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83^D CONGRESS
2^D SESSION

H. R. 8820

IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 1954

Mr. ASPINALL introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To amend the mining laws of the United States and the mineral leasing laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That (a) Subject to the conditions and provisions of this
4 Act and to any valid intervening rights acquired under the
5 laws of the United States, any mining claim located under
6 the mining laws of the United States subsequent to July 31,
7 1939, and prior to February 10, 1954, on lands of the
8 United States, which at the time of location were—

9 (1) included in a permit or lease issued under the
10 mineral leasing laws; or

1 (2) covered by an application or offer for a permit
2 or lease which had been filed under the mineral leasing
3 laws; or

4 (3) known to be valuable for minerals subject to
5 disposition under the mineral leasing laws,

6 shall be effective to the same extent in all respects as if
7 such lands at the time of location, and at all times there-
8 after, had not been so included or covered or known: *Pro-*
9 *vided, however,* That, in order to be entitled to the benefits
10 of this Act, the owner of any such mining claim located
11 prior to January 1, 1953, must have posted and filed for
12 record, within the time allowed by the provisions of the
13 Act of August 12, 1953 (67 Stat. 539), an amended notice
14 of location as to such mining claim, stating that such notice
15 was filed pursuant to the provisions of said Act of August
16 12, 1953, and for the purpose of obtaining the benefits
17 thereof: *And provided further,* That, in order to obtain the
18 benefits of this Act, the owner of any such mining claim
19 located subsequent to December 31, 1952, and prior to
20 February 10, 1954, not later than one hundred and twenty
21 days after the date of enactment of this Act, must post on
22 such claim in the manner required for posting notice of
23 location of mining claims and file for record in the office
24 where the notice or certificate of location of such claim
25 is of record an amended notice of location for such claim,

1 stating that such notice is filed pursuant to the provisions of
2 this Act and for the purpose of obtaining the benefits thereof
3 and, within said one hundred and twenty-day period, if such
4 owner shall have filed a uranium lease application as to the
5 tract covered by such mining claim, must file with the
6 Atomic Energy Commission a withdrawal of such uranium
7 lease application or, if a uranium lease shall have issued
8 pursuant thereto, a release of such lease, and must record
9 a notice of the filing of such withdrawal or release in the
10 county office wherein such notice or certificate of location
11 shall have been filed for record.

12 (b) Labor performed or improvements made after the
13 original location of and upon or for the benefit of any mining
14 claim which shall be entitled to the benefits of this Act under
15 the provisions of subsection (a) of this section 1, shall be
16 recognized as applicable to such mining claim for all purposes
17 to the same extent as if the validity of such mining claim
18 were in no respect dependent upon the provisions of this Act.

19 (c) As to any land covered by any mining claim which
20 is entitled to the benefits of this Act under the provisions of
21 subsection (a) of this section 1, any withdrawal or reserva-
22 tion of lands made after the original location of such mining
23 claim is hereby modified and amended so that the effect
24 thereof upon such mining claim shall be the same as if such
25 mining claim had been located upon lands of the United

1 States which, subsequent to July 31, 1939, and prior to the
2 date of such withdrawal or reservation, were subject to
3 location under the mining laws of the United States.

4 SEC. 2. (a) If any mining claim which shall have been
5 located subsequent to December 31, 1952, and prior to
6 February 10, 1954, and which shall be entitled to the
7 benefits of this Act, shall cover any lands embraced within
8 any mining claim which shall have been located prior to
9 January 1, 1953, and which shall be entitled to the benefits
10 of this Act, then as to such area of conflict said mining
11 claim so located subsequent to December 31, 1952, shall be
12 deemed to have been located December 11, 1953.

13 (b) If any mining claim hereafter located shall cover
14 any lands embraced within any mining claim which shall
15 have been located prior to February 10, 1954, and which
16 shall be entitled to the benefits of this Act, then as to such
17 area of conflict said mining claim hereafter located shall be
18 deemed to have been located one hundred and twenty-one
19 days after the date of the enactment of this Act.

20 SEC. 3. (a) Subject to the conditions and provisions of
21 this Act and to any valid prior rights acquired under the
22 laws of the United States, the owner of any pending uranium
23 lease application or of any uranium lease shall have, for a
24 period of one hundred and twenty days after the date of
25 enactment of this Act, as limited in subsection (b) of this

1 section 3, the right to locate mining claims upon the lands
2 covered by said application or lease.

3 (b) Any rights under any such mining claim so here-
4 after located pursuant to the provisions of subsection (a)
5 of this section 3 shall be subject to any rights of the owner
6 of any mining claim which was located prior to February
7 10, 1954, and which was valid at the date of the en-
8 actment of this Act or which may acquire validity under
9 the provisions of this Act. As to any lands covered by a
10 uranium lease and also by a pending uranium lease appli-
11 cation, the right of mining location under this section 3,
12 as between the owner of said lease and the owner of said
13 application, shall be deemed as to such conflict area to
14 be vested in the owner of said lease. As to any lands
15 embraced in more than one such pending uranium lease
16 application, such right of mining location, as between the
17 owners of such conflicting applications, shall be deemed
18 to be vested in the owner of the prior application. Priority
19 of such an application shall be determined by the time of
20 posting on a tract of a notice of lease application in ac-
21 cordance with paragraph (c) of the Atomic Energy Com-
22 mission's Domestic Uranium Program Circular 7 (10
23 C. F. R. 60.7 (c)) provided there shall have been timely
24 compliance with the other provisions of said paragraph
25 (c) or, if there shall not have been such timely compliance,

1 then by the time of the filing of the uranium lease appli-
2 cation with the Atomic Energy Commission. Any rights
3 under any mining claim located under the provisions of this
4 section 3 shall terminate at the expiration of thirty days
5 after the filing for record of the notice or certificate of
6 location of such mining claim unless, within said thirty-
7 day period, the owner of the uranium lease application
8 or uranium lease upon which the location of such mining
9 claim was predicated shall have filed with the Atomic
10 Energy Commission a withdrawal of said application or
11 a release of said lease and shall have recorded a notice
12 of the filing of such withdrawal or release in the county
13 office wherein such notice or certificate of location shall
14 be of record.

15 (c) Except as otherwise provided in subsections (a)
16 and (b) of this section 3, no mining claim hereafter located
17 shall be valid as to any lands which at the time of such loca-
18 tion were covered by a uranium lease application or a
19 uranium lease. Any tract upon which a notice of lease
20 application has been posted in accordance with said
21 paragraph (c) of said circular 7 shall be deemed to have been
22 included in a uranium lease application from and after the
23 time of the posting of such notice of lease application: *Pro-*

1 *vided*, That there shall have been timely compliance with
2 the other provisions of said paragraph (c) or, if there shall
3 not have been such timely compliance, then from and after
4 the time of the filing of a uranium lease application with the
5 Atomic Energy Commission.

6 SEC. 4. Every mining claim or millsite hereafter located
7 under the mining laws of the United States and every min-
8 ing claim or millsite heretofore so located which shall be
9 entitled to benefits under the first three sections of this Act
10 shall be subject to a reservation to the United States of all
11 Leasing Act minerals and of the right (as limited in section 6
12 hereof) of the United States, its lessees, permittees, and
13 licensees to enter upon the land covered by such mining
14 claim or millsite and to prospect for, drill for, mine, treat,
15 store, transport, and remove Leasing Act minerals and to
16 use so much of the surface and subsurface of such mining
17 claim or millsite as may be necessary for such purposes, and
18 whenever reasonably necessary, for the purpose of pros-
19 pecting for, drilling for, mining, treating, storing, transport-
20 ing, and removing Leasing Act minerals on and from other
21 lands; and any patent issued for any such mining claim or
22 millsite shall contain such reservation.

23 SEC. 5. Subject to the conditions and provisions of this

1 Act, mining claims and millsites may hereafter be located
2 under the mining laws of the United States on lands of the
3 United States which at the time of location are—

4 (a) included in a permit or lease issued under the
5 mineral leasing laws; or

6 (b) covered by an application or offer for a permit
7 or lease filed under the mineral leasing law; or

8 (c) known to be valuable for minerals subject to
9 disposition under the mineral leasing laws;

10 to the same extent in all respects as if such lands were not
11 so included or covered or known.

12 SEC. 6. (a) Where the same lands are being utilized for
13 mining operations and Leasing Act operations, each of such
14 operations shall be conducted, so far as reasonably practi-
15 cable, in a manner compatible with such multiple use.

16 (b) Any mining operations pursuant to rights under any
17 unpatented or patented mining claim or millsite which shall
18 be subject to a reservation to the United States of Leasing Act
19 minerals as provided in this Act, shall be conducted, so far
20 as reasonably practicable, in a manner which will avoid
21 damage to any known deposit of any Leasing Act mineral.
22 Subject to the provisions of subsection (d) of this section 6,
23 mining operations shall be so conducted as not to endanger
24 or materially interfere with any existing surface or under-
25 ground improvements, workings, or facilities which may have

1 been made for the purpose of Leasing Act operations, or
2 with the utilization of such improvements, workings, or
3 facilities.

4 (c) Any Leasing Act operations on lands covered by an
5 unpatented or patented mining claim or millsite which shall
6 be subject to a reservation to the United States of Leasing
7 Act minerals as provided in this Act, shall be conducted, so far
8 as reasonably practicable, in a manner which will avoid dam-
9 age to any known deposit of any mineral not so reserved from
10 such mining claim or millsite. Subject to the provisions of
11 subsection (d) of this section 6, Leasing Act operations shall
12 be so conducted as not to endanger or materially interfere
13 with any existing surface or underground improvements,
14 workings, or facilities which may have been made for the
15 purpose of mining operations, or with the utilization of such
16 improvements, workings, or facilities.

17 (d) If, upon petition of either the mining operator or
18 the Leasing Act operator, any court of competent jurisdic-
19 tion shall find that a particular use in connection with one of
20 such operations cannot be reasonably and properly conducted
21 without endangering or materially interfering with the then
22 existing improvements, workings, or facilities of the other of
23 such operations or with the utilization thereof, and shall find
24 that under the conditions and circumstances, as they then

1 appear, the injury or damage which would result from denial
2 of such particular use would outweigh the injury or damage
3 which would result to such then existing improvements, work-
4 ings, or facilities or from interference with the utilization
5 thereof if that particular use were allowed, then and in such
6 event such court may permit such use upon payment (or
7 upon furnishing of security determined by the court to be
8 adequate to secure payment) to the party or parties who
9 would be thus injured or damaged, of an amount to be fixed
10 by the court as constituting fair compensation for the then
11 reasonably contemplated injury or damage which would re-
12 sult to such then existing improvements, workings, or facili-
13 ties or from interference with the utilization thereof by reason
14 of the allowance of such particular use.

15 (e) Where the same lands are being utilized for mining
16 operations and leasing act operations, then upon request of
17 the party conducting either of said operations, the party
18 conducting the other of said operations shall furnish to and
19 at the expense of such requesting party copies of any infor-
20 mation which said other party may have, as to the situs of
21 any improvements, workings, or facilities theretofore made
22 upon such lands, and upon like request, shall permit such
23 requesting party, at the risk of such requesting party, to
24 have access at reasonable times to any such improvements,
25 workings, or facilities for the purpose of surveying and check-

1 ing or determining the situs thereof. If damage to or material
2 interference with a party's improvements, workings, facilities,
3 or with the utilization thereof shall result from such party's
4 failure, after request, to so furnish to the requesting party such
5 information or from denial of such access, such failure or
6 denial shall relieve the requesting party of any liability for
7 the damage or interference resulting by reason of such failure
8 or denial. Failure of a party to furnish requested informa-
9 tion or access shall not impose upon such party any liability
10 to the requesting party other than for such costs of court
11 and attorney's fees as may be allowed to the requesting party
12 in enforcing by court action the obligations of this section as
13 to the furnishing of information and access. The obligation
14 hereunder of any party to furnish requested information shall
15 be limited to map and survey information then available to
16 such party with respect to the situs of improvements, work-
17 ings, and facilities and the furnishing thereof shall not be
18 deemed to constitute any representation as to the accuracy
19 of such information.

20 SEC. 7. (a) Any applicant, officer, permittee, or lessee
21 under the mineral leasing laws may file in the office of
22 the Secretary of the Interior or in such office as he may
23 designate a request for publication of notice of such applica-
24 tion, offer, permit, or lease. The filing of such request for
25 publication shall be accompanied by an affidavit or affidavits

1 of a person or persons over twenty-one years of age setting
2 forth that the affiant or affiants have examined the lands
3 involved in a reasonable effort to ascertain whether any
4 person or persons were in actual possession of or engaged
5 in the working of such lands or any part thereof, and, if
6 no person or persons were found to be in actual possession
7 of or engaged in the working of said lands or any part thereof
8 on the date of such examination, setting forth such fact, or, if
9 any person or persons were so found to be in actual possession
10 or engaged in such working on the date of such examination,
11 setting forth the name and address of each such person,
12 unless affiant shall have been unable through reasonable
13 inquiry to obtain information as to the name and address of
14 any such person, in which event the affidavit shall set forth
15 fully the nature and results of such inquiry.

16 Thereupon the Secretary of the Interior, or his desig-
17 nated representative, at the expense of the requesting per-
18 son (who, prior to the commencement of publication, must
19 furnish the agreement of the publisher to hold such re-
20 questing person alone responsible for charges of publi-
21 cation), shall cause notice of such application, offer, per-
22 mit, or lease to be published in a newspaper having general
23 circulation in the county in which the lands involved are
24 situate.

25 Such notice shall describe the lands covered by such

1 application, offer, permit, or lease and shall notify whom-
2 ever it may concern that if any person claiming or assert-
3 ing under, or by virtue of, any unpatented mining claim,
4 any right or interest in Leasing Act minerals as to such
5 lands or any part thereof, shall fail to file in the office
6 where such request for publication was filed (which office
7 shall be specified in such notice) and within one hundred
8 fifty days from the date of the first publication of such
9 notice, a verified statement which shall set forth, as to
10 such unpatented mining claim:

11 (1) The date of location;

12 (2) The book and page of recordation of the notice
13 or certificate of location;

14 (3) The section or sections of the public land sur-
15 veys which embrace such mining claim; or if such lands
16 are unsurveyed, either the section or sections which
17 would probably embrace such mining claim when the
18 public land surveys are extended to such lands or a
19 tie by courses and distances to an approved United
20 States mineral monument;

21 (4) Whether such claimant is a locator or pur-
22 chaser under such location; and

23 (5) The name and address of such claimant and
24 names and addresses so far as known to the claimant
25 of any other person or persons claiming any interest

1 or interests in or under such unpatented mining claim;
2 such failure shall be conclusively deemed (i) to constitute a
3 waiver and relinquishment by such mining claimant of any
4 and all right, title, and interest under such mining claim as to,
5 but only as to, Leasing Act minerals, and (ii) to constitute a
6 consent by such mining claimant that such mining claim and
7 any patent issued therefor, shall be subject to the reservation
8 specified in section 4 of this Act, and (iii) to preclude there-
9 after any assertion by such mining claimant of any right or
10 title to or interest in any Leasing Act mineral by reason of
11 such mining claim.

12 If such notice is published in a daily paper, it shall be
13 published in the Wednesday issue for nine consecutive weeks,
14 or, if in a weekly paper, in nine consecutive issues, or, if in a
15 semiweekly or triweekly paper, in the issue of the same day
16 of each week for nine consecutive weeks.

17 Within fifteen days after the date of first publication of
18 such notice, the person requesting such publication (1) shall
19 cause a copy of such notice to be personally delivered to or
20 to be sent by registered mail addressed to each person in pos-
21 session or engaged in the working of the land whose name and
22 address is shown by an affidavit filed as aforesaid, and to each
23 person who may have filed, as to any lands described in said
24 notice, a request for notices, as provided in subsection (d) of
25 this section 7, and (2) shall file in the office where said

1 request for publication was filed an affidavit showing that
2 copies have been so delivered or mailed.

3 (b) If any claimant under any unpatented mining claim
4 which embraces any of the lands described in any notice
5 published in accordance with the provisions of subsection
6 (a) of this section 7 shall fail to file a verified statement,
7 as above provided, within one hundred and fifty days from
8 the date of the first publication of such notice, such failure
9 shall be conclusively deemed, except as otherwise provided
10 in subsection (e) of this section 7, (i) to constitute a waiver
11 and relinquishment by such mining claimant of any and all
12 right, title, and interest under such mining claim as to, but
13 only as to, Leasing Act minerals, and (ii) to constitute
14 a consent by such mining claimant that such mining claim
15 and any patent issued therefor, shall be subject to the reser-
16 vation specified in section 4 of this Act, and (iii) to pre-
17 clude thereafter any assertion by such mining claimant of
18 any right or title to or interest in any Leasing Act mineral
19 by reason of such mining claim.

20 (c) If any verified statement shall be filed by a mining
21 claimant as provided in subsection (a) of this section 7, then
22 the Secretary of the Interior or his designated representative
23 shall fix a time and place for a hearing to determine the
24 validity and effectiveness of the mining claimant's asserted
25 right or interest in Leasing Act minerals. The procedures

1 with respect to notice of such a hearing and the conduct
2 thereof, and in respect to appeals shall follow the then estab-
3 lished general procedures and rules of practice of the Depart-
4 ment of the Interior in respect to contests or protests affect-
5 ing public lands of the United States. If at any time prior
6 to a hearing the person requesting publication of notice and
7 any person filing a verified statement pursuant to such notice
8 shall so stipulate, then to the extent so stipulated, but only
9 to such extent, no hearing shall be held with respect to
10 rights asserted under that verified statement, and to the
11 extent defined by the stipulation the rights asserted under
12 that verified statement shall be deemed to be unaffected by
13 that particular published notice.

14 (d) Any person claiming any right in leasing act min-
15 erals under or by virtue of any unpatented mining claim and
16 desiring to receive a copy of any notice of any application,
17 offer, permit, or lease which may be published as above pro-
18 vided in subsection (a) of this section 7, and which may
19 affect lands embraced in such mining claim, may cause to
20 be filed for record in the county office of record where the
21 notice or certificate of location of such mining claim shall
22 have been recorded, a duly acknowledged request for a
23 copy of any such notice. Such request for copies shall set
24 forth the name and address of the person requesting copies

1 and shall also set forth, as to each mining claim under which
2 such person asserts rights in leasing act minerals—

3 (1) the date of location;

4 (2) the book and page of the recordation of the
5 notice or certificate of location; and

6 (3) the section or sections of the public land sur-
7 veys which embrace such mining claim; or if such lands
8 are unsurveyed, either the section or sections which
9 would probably embrace such mining claim when the
10 public land surveys are extended to such lands or a
11 tie by courses and distances to an approved United States
12 mineral monument.

13 Other than in respect to the requirements of subsection (a)
14 of this section 7 as to personal delivery or mailing of copies
15 of notices and in respect to the provisions of subsection (e)
16 of this section 7, no such request for copies of published
17 notices and no statement or allegation in such request and
18 no recordation thereof shall affect title to any mining claim
19 or to any land, or be deemed to constitute constructive notice
20 to any person that the person requesting copies has, or
21 claims, any right, title, or interest in or under any mining
22 claim referred to in such request.

23 (e) If any applicant, offeror, permittee, or lessee shall
24 fail to comply with the requirements of subsection (a) of

1 this section 7 as to the personal delivery or mailing of a
2 copy of notice to any person, the publication of such notice
3 shall be deemed wholly ineffectual as to that person or as to
4 the rights asserted by that person and the failure of that
5 person to file a verified statement, as provided in such notice
6 shall in no manner affect, diminish, prejudice or bar any
7 rights of that person.

8 SEC. 8. The owner or owners of any mining claim
9 heretofore located may, at any time prior to issuance of
10 patent therefor, waive and relinquish all rights thereunder to
11 Leasing Act minerals. The execution and acknowledgement
12 of such a waiver and relinquishment by such owner or
13 owners and the recordation thereof in the office where the
14 notice or certificate of location of such mining claim is of
15 record shall render such mining claim thereafter subject to
16 the reservation referred to in section 4 of this Act and any
17 patent issued therefor shall contain such a reservation, but
18 no such waiver or relinquishment shall be deemed in any
19 manner to constitute any concession as to the date of priority
20 of rights under said mining claim or as to the validity
21 thereof.

22 SEC. 9. Notwithstanding the provisions of the Atomic
23 Energy Act, and particularly section 5 (b) (7) thereof, or
24 the provisions of the Act of August 12, 1953 (67 Stat.
25 539), and particularly section 3 thereof, any mining claim,

1 whether heretofore or hereafter located under the mining
2 laws of the United States, for, or based upon a discovery of
3 a mineral deposit which is a fissionable source material and
4 which, except for the possible contrary construction of the
5 Atomic Energy Act, would be locatable under such mining
6 laws, shall be valid and effective in all respects to the same
7 extent as if said mineral deposit were a locatable mineral
8 deposit other than a fissionable source material. Notwith-
9 standing the provisions of said section 5 (b) (7) of the
10 Atomic Energy Act no mining claim heretofore or hereafter
11 located under the mining laws of the United States shall be
12 subject to, and no mineral patent hereafter issued shall con-
13 tain, a reservation to the United States of fissionable source
14 material. The Atomic Energy Commission and any other
15 agency, department, or officer of the United States may
16 exercise as to any mining claim located after August 1, 1946
17 (inclusive of mining claims located for, or based upon a
18 discovery of a mineral deposit which is a fissionable source
19 material) and as to any mineral deposit in such mining
20 claim, all rights, powers, and authorities which such Commis-
21 sion, agency, department, or officer could exercise as to such
22 mining claim and as to any mineral deposits therein had such
23 mining claim been located prior to August 1, 1946.

24 SEC. 10. As used in this Act "mineral leasing laws"
25 shall mean the Act of October 20, 1914 (38 Stat. 741) ;

1 the Act of February 25, 1920 (41 Stat. 437); the Act
2 of April 17, 1926 (44 Stat. 301); the Act of February 7,
3 1927 (44 Stat. 1057); and all Acts heretofore or here-
4 after enacted which are amendatory of or supplementary
5 to any of the foregoing Acts; "leasing act minerals" shall
6 mean all minerals which, upon the effective date of this
7 Act, are provided in the mineral leasing laws to be disposed
8 of thereunder; "leasing act operations" shall mean opera-
9 tions conducted under a lease, permit, or license issued under
10 the mineral leasing laws in or incidental to prospecting for,
11 drilling for, mining, treating, storing, transporting, or re-
12 moving leasing act minerals; "mining operations" shall
13 mean operations under any unpatented or patented mining
14 claim or millsite in or incidental to prospecting for, mining,
15 treating, storing, transporting, or removing minerals other
16 than leasing act minerals and any other use under any
17 claim of right or title based upon such mining claim or
18 millsite; "leasing act operator" shall mean any party who
19 shall conduct leasing act operations; "mining operator" shall
20 mean any party who shall conduct mining operations;
21 "Atomic Energy Act" shall mean the Act of August 1,
22 1946 (60 Stat. 755) and all Acts which are amendatory
23 of or supplementary to said Act; "Atomic Energy Com-
24 mission" shall mean the United States Atomic Energy
25 Commission established under the Atomic Energy Act;

1 “fissionable source material” shall mean uranium, thorium,
2 and all other materials referred to in section 5 (b) (7)
3 of the Atomic Energy Act as reserved or to be reserved
4 to the United States; “uranium lease application” shall
5 mean an application for a uranium lease filed with said
6 Commission pursuant to the provisions of its Domestic
7 Uranium Program Circular 7 (10 C. F. R. 60.7) ; “uranium
8 lease” shall mean a uranium mining lease issued by said
9 Commission pursuant to the provisions of said circular; and
10 “person” shall mean any individual, corporation, partner-
11 ship, or other legal entity.

12 SEC. 11. If any provision of this Act, or the applica-
13 tion of such provision to any person or circumstances, is
14 held unconstitutional, invalid or unenforceable, the remain-
15 der of this Act or the application of such provision to per-
16 sons or circumstances other than those as to which it is held
17 unconstitutional, invalid, or unenforceable, shall not be
18 affected thereby.

A BILL

To amend the mining laws of the United States and the mineral leasing laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes.

By Mr. ASPINALL

APRIL 13, 1954

Referred to the Committee on Interior and Insular
Affairs

83^D CONGRESS
2^D SESSION

S. 3344

IN THE SENATE OF THE UNITED STATES

APRIL 26 (legislative day, APRIL 14), 1954

Mr. MILLIKIN (for himself, Mr. JOHNSON of Colorado, Mr. BENNETT, Mr. CASE, Mr. MUNDT, Mr. WATKINS, Mr. KUCHEL, Mr. BARRETT, Mr. HUNT, and Mr. ANDERSON) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

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6 the mining laws of the United States subsequent to July 31,
7 1939, and prior to February 10, 1954, on lands of the
8 United States, which at the time of location were—

1 (1) included in a permit or lease issued under the
2 mineral leasing laws; or

3 (2) covered by an application or offer for a permit
4 or lease which had been filed under the mineral leasing
5 laws; or

6 (3) known to be valuable for minerals subject to
7 disposition under the mineral leasing laws,

8 shall be effective to the same extent in all respects as if
9 such lands at the time of location, and at all times there-
10 after, had not been so included or covered or known: *Pro-*
11 *vided, however,* That, in order to be entitled to the benefits
12 of this Act, the owner of any such mining claim located
13 prior to January 1, 1953, must have posted and filed for
14 record, within the time allowed by the provisions of the
15 Act of August 12, 1953 (67 Stat. 539), an amended notice
16 of location as to such mining claim, stating that such notice
17 was filed pursuant to the provisions of said Act of August
18 12, 1953, and for the purpose of obtaining the benefits
19 thereof: *And provided further,* That, in order to obtain the
20 benefits of this Act, the owner of any such mining claim
21 located subsequent to December 31, 1952, and prior to
22 February 10, 1954, not later than one hundred and twenty
23 days after the date of enactment of this Act, must post on
24 such claim in the manner required for posting notice of
25 location of mining claims and file for record in the office

1 where the notice or certificate of location of such claim
2 is of record an amended notice of location for such claim,
3 stating that such notice is filed pursuant to the provisions of
4 this Act and for the purpose of obtaining the benefits thereof
5 and, within said one hundred and twenty day period, if such
6 owner shall have filed a uranium lease application as to the
7 tract covered by such mining claim, must file with the
8 Atomic Energy Commission a withdrawal of such uranium
9 lease application or, if a uranium lease shall have issued
10 pursuant thereto, a release of such lease, and must record
11 a notice of the filing of such withdrawal or release in the
12 county office wherein such notice or certificate of location
13 shall have been filed for record.

14 (b) Labor performed or improvements made after the
15 original location of and upon or for the benefit of any mining
16 claim which shall be entitled to the benefits of this Act under
17 the provisions of subsection (a) of this section 1, shall be
18 recognized as applicable to such mining claim for all purposes
19 to the same extent as if the validity of such mining claim
20 were in no respect dependent upon the provisions of this Act.

21 (c) As to any land covered by any mining claim which
22 is entitled to the benefits of this Act under the provisions of
23 subsection (a) of this section 1, any withdrawal or reserva-
24 tion of lands made after the original location of such mining
25 claim is hereby modified and amended so that the effect

1 thereof upon such mining claim shall be the same as if such
2 mining claim had been located upon lands of the United
3 States which, subsequent to July 31, 1939, and prior to the
4 date of such withdrawal or reservation, were subject to
5 location under the mining laws of the United States.

6 SEC. 2. (a) If any mining claim which shall have been
7 located subsequent to December 31, 1952, and prior to
8 February 10, 1954, and which shall be entitled to the
9 benefits of this Act, shall cover any lands embraced within
10 any mining claim which shall have been located prior to
11 January 1, 1953, and which shall be entitled to the benefits
12 of this Act, then as to such area of conflict said mining
13 claim so located subsequent to December 31, 1952, shall be
14 deemed to have been located December 11, 1953.

15 (b) If any mining claim hereafter located shall cover
16 any lands embraced within any mining claim which shall
17 have been located prior to February 10, 1954, and which
18 shall be entitled to the benefits of this Act, then as to such
19 area of conflict said mining claim hereafter located shall be
20 deemed to have been located one hundred and twenty-one
21 days after the date of the enactment of this Act.

22 SEC. 3. (a) Subject to the conditions and provisions of
23 this Act and to any valid prior rights acquired under the
24 laws of the United States, the owner of any pending uranium
25 lease application or of any uranium lease shall have, for a

1 period of one hundred and twenty days after the date of
2 enactment of this Act, as limited in subsection (b) of this
3 section 3, the right to locate mining claims upon the lands
4 covered by said application or lease.

5 (b) Any rights under any such mining claim so here-
6 after located pursuant to the provisions of subsection (a)
7 of this section 3 shall be subject to any rights of the owner
8 of any mining claim which was located prior to February
9 10, 1954, and which was valid at the date of the en-
10 actment of this Act or which may acquire validity under
11 the provisions of this Act. As to any lands covered by a
12 uranium lease and also by a pending uranium lease appli-
13 cation, the right of mining location under this section 3,
14 as between the owner of said lease and the owner of said
15 application, shall be deemed as to such conflict area to
16 be vested in the owner of said lease. As to any lands
17 embraced in more than one such pending uranium lease
18 application, such right of mining location, as between the
19 owners of such conflicting applications, shall be deemed
20 to be vested in the owner of the prior application. Priority
21 of such an application shall be determined by the time of
22 posting on a tract of a notice of lease application in ac-
23 cordance with paragraph (c) of the Atomic Energy Com-
24 mission's Domestic Uranium Program Circular 7 (10
25 C. F. R. 60.7 (c)) provided there shall have been timely

1 compliance with the other provisions of said paragraph
2 (c) or, if there shall not have been such timely compliance,
3 then by the time of the filing of the uranium lease appli-
4 cation with the Atomic Energy Commission. Any rights
5 under any mining claim located under the provisions of this
6 section 3 shall terminate at the expiration of thirty days
7 after the filing for record of the notice or certificate of
8 location of such mining claim unless, within said thirty-
9 day period, the owner of the uranium lease application
10 or uranium lease upon which the location of such mining
11 claim was predicated shall have filed with the Atomic
12 Energy Commission a withdrawal of said application or
13 a release of said lease and shall have recorded a notice
14 of the filing of such withdrawal or release in the county
15 office wherein such notice or certificate of location shall
16 be of record.

17 (c) Except as otherwise provided in subsections (a)
18 and (b) of this section 3, no mining claim hereafter located
19 shall be valid as to any lands which at the time of such loca-
20 tion were covered by a uranium lease application or a
21 uranium lease. Any tract upon which a notice of lease
22 application has been posted in accordance with said
23 paragraph (c) of said Circular 7 shall be deemed to have been
24 included in a uranium lease application from and after the
25 time of the posting of such notice of lease application: *Pro-*

1 *vided*, That there shall have been timely compliance with
2 the other provisions of said paragraph (c) or, if there shall
3 not have been such timely compliance, then from and after
4 the time of the filing of a uranium lease application with the
5 Atomic Energy Commission.

6 SEC. 4. Every mining claim or millsite hereafter located
7 under the mining laws of the United States and every min-
8 ing claim or millsite heretofore so located which shall be
9 entitled to benefits under the first three sections of this Act
10 shall be subject to a reservation to the United States of all
11 Leasing Act minerals and of the right (as limited in section 6
12 hereof) of the United States, its lessees, permittees, and
13 licensees to enter upon the land covered by such mining
14 claim or millsite and to prospect for, drill for, mine, treat,
15 store, transport, and remove Leasing Act minerals and to
16 use so much of the surface and subsurface of such mining
17 claim or millsite as may be necessary for such purposes, and
18 whenever reasonably necessary, for the purpose of pros-
19 pecting for, drilling for, mining, treating, storing, transport-
20 ing, and removing Leasing Act minerals on and from other
21 lands; and any patent issued for any such mining claim or
22 millsite shall contain such reservation.

23 SEC. 5. Subject to the conditions and provisions of this
24 Act, mining claims and millsites may hereafter be located

1 under the mining laws of the United States on lands of the
2 United States which at the time of location are—

3 (a) included in a permit or lease issued under the
4 mineral leasing laws; or

5 (b) covered by an application or offer for a permit
6 or lease filed under the mineral leasing law; or

7 (c) known to be valuable for minerals subject to
8 disposition under the mineral leasing laws;

9 to the same extent in all respects as if such lands were not
10 so included or covered or known.

11 SEC. 6. (a) Where the same lands are being utilized for
12 mining operations and Leasing Act operations, each of such
13 operations shall be conducted, so far as reasonably practi-
14 cable, in a manner compatible with such multiple use.

15 (b) Any mining operations pursuant to rights under any
16 unpatented or patented mining claim or millsite which shall
17 be subject to a reservation to the United States of Leasing Act
18 minerals as provided in this Act, shall be conducted, so far
19 as reasonably practicable, in a manner which will avoid
20 damage to any known deposit of any Leasing Act mineral.
21 Subject to the provisions of subsection (d) of this section 6,
22 mining operations shall be so conducted as not to endanger
23 or materially interfere with any existing surface or under-
24 ground improvements, workings, or facilities which may have
25 been made for the purpose of Leasing Act operations, or

1 with the utilization of such improvements, workings, or
2 facilities.

3 (c) Any Leasing Act operations on lands covered by an
4 unpatented or patented mining claim or millsite which shall
5 be subject to a reservation to the United States of Leasing
6 Act minerals as provided in this Act, shall be conducted, so
7 far as reasonably practicable, in a manner which will avoid
8 damage to any known deposit of any mineral not so reserved
9 from such mining claim or millsite. Subject to the provi-
10 sions of subsection (d) of this section 6, Leasing Act opera-
11 tions shall be so conducted as not to endanger or materially
12 interfere with any existing surface or underground improve-
13 ments, workings, or facilities which may have been made
14 for the purpose of mining operations, or with the utilization
15 of such improvements, workings, or facilities.

16 (d) If, upon petition of either the mining operator or
17 the Leasing Act operator, any court of competent jurisdic-
18 tion shall find that a particular use in connection with one of
19 such operations cannot be reasonably and properly conducted
20 without endangering or materially interfering with the then
21 existing improvements, workings, or facilities of the other of
22 such operations or with the utilization thereof, and shall find
23 that under the conditions and circumstances, as they then
24 appear, the injury or damage which would result from denial

1 of such particular use would outweigh the injury or damage
2 which would result to such then existing improvements, work-
3 ings, or facilities or from interference with the utilization
4 thereof if that particular use were allowed, then and in such
5 event such court may permit such use upon payment (or
6 upon furnishing of security determined by the court to be
7 adequate to secure payment) to the party or parties who
8 would be thus injured or damaged, of an amount to be fixed
9 by the court as constituting fair compensation for the then
10 reasonably contemplated injury or damage which would re-
11 sult to such then existing improvements, workings, or facili-
12 ties or from interference with the utilization thereof by reason
13 of the allowance of such particular use.

14 (e) Where the same lands are being utilized for mining
15 operations and Leasing Act operations, then upon request of
16 the party conducting either of said operations, the party
17 conducting the other of said operations shall furnish to and
18 at the expense of such requesting party copies of any infor-
19 mation which said other party may have, as to the situs of
20 any improvements, workings, or facilities theretofore made
21 upon such lands, and upon like request, shall permit such
22 requesting party, at the risk of such requesting party, to
23 have access at reasonable times to any such improvements,
24 workings, or facilities for the purpose of surveying and check-
25 ing or determining the situs thereof. If damage to or material

1 interference with a party's improvements, workings, facilities,
2 or with the utilization thereof shall result from such party's
3 failure, after request, to so furnish to the requesting party such
4 information or from denial of such access, such failure or
5 denial shall relieve the requesting party of any liability for
6 the damage or interference resulting by reason of such failure
7 or denial. Failure of a party to furnish requested informa-
8 tion or access shall not impose upon such party any liability
9 to the requesting party other than for such costs of court
10 and attorney's fees as may be allowed to the requesting party
11 in enforcing by court action the obligations of this section as
12 to the furnishing of information and access. The obligation
13 hereunder of any party to furnish requested information shall
14 be limited to map and survey information then available to
15 such party with respect to the situs of improvements, work-
16 ings, and facilities and the furnishing thereof shall not be
17 deemed to constitute any representation as to the accuracy
18 of such information.

19 SEC. 7. (a) Any applicant, offeror, permittee, or lessee
20 under the mineral leasing laws may file in the office of
21 the Secretary of the Interior, or in such office as he may
22 designate, a request for publication of notice of such applica-
23 tion, offer, permit, or lease. The filing of such request for
24 publication shall be accompanied by an affidavit or affidavits
25 of a person or persons over twenty-one years of age setting

1 forth that the affiant or affiants have examined the lands
2 involved in a reasonable effort to ascertain whether any
3 person or persons were in actual possession of or engaged
4 in the working of such lands or any part thereof, and, if
5 no person or persons were found to be in actual possession
6 of or engaged in the working of said lands or any part thereof
7 on the date of such examination, setting forth such fact, or, if
8 any person or persons were so found to be in actual possession
9 or engaged in such working on the date of such examination,
10 setting forth the name and address of each such person,
11 unless affiant shall have been unable through reasonable
12 inquiry to obtain information as to the name and address of
13 any such person, in which event the affidavit shall set forth
14 fully the nature and results of such inquiry.

15 Thereupon the Secretary of the Interior, or his desig-
16 nated representative, at the expense of the requesting per-
17 son (who, prior to the commencement of publication, must
18 furnish the agreement of the publisher to hold such re-
19 questing person alone responsible for charges of publi-
20 cation), shall cause notice of such application, offer, per-
21 mit, or lease to be published in a newspaper having general
22 circulation in the county in which the lands involved are
23 situate.

24 Such notice shall describe the lands covered by such
25 application, offer, permit, or lease and shall notify whom-

1 ever it may concern that if any person claiming or assert-
2 ing under, or by virtue of, any unpatented mining claim,
3 any right or interest in Leasing Act minerals as to such
4 lands or any part thereof, shall fail to file in the office
5 where such request for publication was filed (which office
6 shall be specified in such notice) and within one hundred
7 fifty days from the date of the first publication of such
8 notice, a verified statement which shall set forth, as to
9 such unpatented mining claim:

10 (1) The date of location;

11 (2) The book and page of recordation of the notice
12 or certificate of location;

13 (3) The section or sections of the public land sur-
14 veys which embrace such mining claim; or if such lands
15 are unsurveyed, either the section or sections which
16 would probably embrace such mining claim when the
17 public land surveys are extended to such lands or a
18 tie by courses and distances to an approved United
19 States mineral monument;

20 (4) Whether such claimant is a locator or pur-
21 chaser under such location; and

22 (5) The name and address of such claimant and
23 names and addresses so far as known to the claimant
24 of any other person or persons claiming any interest
25 or interests in or under such unpatented mining claim;

1 such failure shall be conclusively deemed (i) to constitute a
2 waiver and relinquishment by such mining claimant of any
3 and all right, title, and interest under such mining claim as to,
4 but only as to, Leasing Act minerals, and (ii) to constitute a
5 consent by such mining claimant that such mining claim and
6 any patent issued therefor, shall be subject to the reservation
7 specified in section 4 of this Act, and (iii) to preclude there-
8 after any assertion by such mining claimant of any right or
9 title to or interest in any Leasing Act mineral by reason of
10 such mining claim.

11 If such notice is published in a daily paper, it shall be
12 published in the Wednesday issue for nine consecutive weeks,
13 or, if in a weekly paper, in nine consecutive issues, or, if in a
14 semiweekly or triweekly paper, in the issue of the same day
15 of each week for nine consecutive weeks.

16 Within fifteen days after the date of first publication of
17 such notice, the person requesting such publication (1) shall
18 cause a copy of such notice to be personally delivered to or
19 to be sent by registered mail addressed to each person in pos-
20 session or engaged in the working of the land whose name
21 and address is shown by an affidavit filed as aforesaid, and to
22 each person who may have filed, as to any lands described in
23 said notice, a request for notices, as provided in subsection (d)
24 of this section 7, and (2) shall file in the office where said

1 request for publication was filed an affidavit showing that
2 copies have been so delivered or mailed.

3 (b) If any claimant under any unpatented mining claim
4 which embraces any of the lands described in any notice
5 published in accordance with the provisions of subsection
6 (a) of this section 7 shall fail to file a verified statement,
7 as above provided, within one hundred and fifty days from
8 the date of the first publication of such notice, such failure
9 shall be conclusively deemed, except as otherwise provided
10 in subsection (e) of this section 7, (i) to constitute a waiver
11 and relinquishment by such mining claimant of any and all
12 right, title, and interest under such mining claim as to, but
13 only as to, Leasing Act minerals, and (ii) to constitute
14 a consent by such mining claimant that such mining claim
15 and any patent issued therefor, shall be subject to the reser-
16 vation specified in section 4 of this Act, and (iii) to pre-
17 clude thereafter any assertion by such mining claimant of
18 any right or title to or interest in any Leasing Act mineral
19 by reason of such mining claim.

20 (c) If any verified statement shall be filed by a mining
21 claimant as provided in subsection (a) of this section 7, then
22 the Secretary of the Interior or his designated representative
23 shall fix a time and place for a hearing to determine the
24 validity and effectiveness of the mining claimant's asserted

1 right or interest in Leasing Act minerals. The procedures
2 with respect to notice of such a hearing and the conduct
3 thereof, and in respect to appeals shall follow the then estab-
4 lished general procedures and rules of practice of the Depart-
5 ment of the Interior in respect to contests or protests affect-
6 ing public lands of the United States. If at any time prior
7 to a hearing the person requesting publication of notice and
8 any person filing a verified statement pursuant to such notice
9 shall so stipulate, then to the extent so stipulated, but only
10 to such extent, no hearing shall be held with respect to
11 rights asserted under that verified statement, and to the
12 extent defined by the stipulation the rights asserted under
13 that verified statement shall be deemed to be unaffected by
14 that particular published notice.

15 (d) Any person claiming any right in Leasing Act min-
16 erals under or by virtue of any unpatented mining claim and
17 desiring to receive a copy of any notice of any application,
18 offer, permit, or lease which may be published as above pro-
19 vided in subsection (a) of this section 7, and which may
20 affect lands embraced in such mining claim, may cause to
21 be filed for record in the county office of record where the
22 notice or certificate of location of such mining claim shall
23 have been recorded, a duly acknowledged request for a
24 copy of any such notice. Such request for copies shall set
25 forth the name and address of the person requesting copies

1 and shall also set forth, as to each mining claim under which
2 such person asserts rights in Leasing Act minerals:

3 (1) the date of location;

4 (2) the book and page of the recordation of the
5 notice or certificate of location; and

6 (3) the section or sections of the public land sur-
7 veys which embrace such mining claim; or if such lands
8 are unsurveyed, either the section or sections which
9 would probably embrace such mining claim when the
10 public land surveys are extended to such lands or a
11 tie by courses and distances to an approved United States
12 mineral monument.

13 Other than in respect to the requirements of subsection (a)
14 of this section 7 as to personal delivery or mailing of copies
15 of notices and in respect to the provisions of subsection (e)
16 of this section 7, no such request for copies of published
17 notices and no statement or allegation in such request and
18 no recordation thereof shall affect title to any mining claim
19 or to any land, or be deemed to constitute constructive notice
20 to any person that the person requesting copies has, or
21 claims, any right, title, or interest in or under any mining
22 claim referred to in such request.

23 (e) If any applicant, offeror, permittee, or lessee shall
24 fail to comply with the requirements of subsection (a) of
25 this section 7 as to the personal delivery or mailing of a

1 copy of notice to any person, the publication of such notice
2 shall be deemed wholly ineffectual as to that person or as to
3 the rights asserted by that person and the failure of that
4 person to file a verified statement, as provided in such notice,
5 shall in no manner affect, diminish, prejudice or bar any
6 rights of that person.

7 SEC. 8. The owner or owners of any mining claim
8 heretofore located may, at any time prior to issuance of
9 patent therefor, waive and relinquish all rights thereunder to
10 Leasing Act minerals. The execution and acknowledgment
11 of such a waiver and relinquishment by such owner or
12 owners and the recordation thereof in the office where the
13 notice or certificate of location of such mining claim is of
14 record shall render such mining claim thereafter subject to
15 the reservation referred to in section 4 of this Act and any
16 patent issued therefor shall contain such a reservation, but
17 no such waiver or relinquishment shall be deemed in any
18 manner to constitute any concession as to the date of priority
19 of rights under said mining claim or as to the validity
20 thereof.

21 SEC. 9. Notwithstanding the provisions of the Atomic
22 Energy Act, and particularly section 5 (b) (7) thereof,
23 or the provisions of the Act of August 12, 1953 (67 Stat.
24 539), and particularly section 3 thereof, any mining claim,
25 whether heretofore or hereafter located under the mining

1 laws of the United States, for, or based upon a discovery of
2 a mineral deposit which is a fissionable source material and
3 which, except for the possible contrary construction of the
4 Atomic Energy Act, would have been or would be locatable
5 under such mining laws, shall be valid and effective in
6 all respects to the same extent as if said mineral deposit
7 were a locatable mineral deposit other than a fissionable
8 source material. Notwithstanding the provisions of said
9 section 5 (b) (7) of the Atomic Energy Act no mining
10 claim heretofore or hereafter located under the mining laws
11 of the United States shall be subject to, and no mineral
12 patent hereafter issued shall contain, a reservation to the
13 United States of fissionable source material, but the United
14 States, its agents or representatives, shall have the right at
15 any time to enter upon the land to prospect for, mine and
16 remove fissionable source material upon making just com-
17 pensation for any damage or injury occasioned thereby:
18 *Provided*, That no such right of entry shall be exercised
19 unless the Atomic Energy Commission shall have determined
20 that the security needs of the United States require emer-
21 gency production of fissionable source materials: *Provided*
22 *further*, That the amounts to be paid to the owners of rights
23 under any such mining claim for any fissionable source
24 material so mined and removed by the United States, its

1 agents or representatives, shall be such amounts as the Com-
2 mission in its discretion deems to be fair and reasonable.

3 SEC. 10. As used in this Act "mineral leasing laws"
4 shall mean the Act of October 20, 1914 (38 Stat. 741) ;
5 the Act of February 25, 1920 (41 Stat. 437) ; the Act
6 of April 17, 1926 (44 Stat. 301) ; the Act of February 7,
7 1927 (44 Stat. 1057) ; and all Acts heretofore or here-
8 after enacted which are amendatory of or supplementary
9 to any of the foregoing Acts; "Leasing Act minerals" shall
10 mean all minerals which, upon the effective date of this
11 Act, are provided in the mineral leasing laws to be disposed
12 of thereunder, "Leasing Act operations" shall mean opera-
13 tions conducted under a lease, permit, or license issued under
14 the mineral leasing laws in or incidental to prospecting for,
15 drilling for, mining, treating, storing, transporting, or re-
16 moving Leasing Act minerals; "mining operations" shall
17 mean operations under any unpatented or patented mining
18 claim or millsite in or incidental to prospecting for, mining,
19 treating, storing, transporting, or removing minerals other
20 than Leasing Act minerals and any other use under any
21 claim of right or title based upon such mining claim or
22 millsite; "Leasing Act operator" shall mean any party who
23 shall conduct Leasing Act operations; "mining operator" shall
24 mean any party who shall conduct mining operations;
25 "Atomic Energy Act" shall mean the Act of August 1,

1 1946 (60 Stat. 755), and all heretofore enacted Acts which
2 are amendatory of or supplementary to said Act; “Atomic
3 Energy Commission” shall mean the United States Atomic
4 Energy Commission established under the Atomic Energy
5 Act or any amendments thereof; “fissionable source material”
6 shall mean uranium, thorium, and all other materials referred
7 to in section 5 (b) (7) of the Atomic Energy Act as re-
8 served or to be reserved to the United States; “uranium lease
9 application” shall mean an application for a uranium lease
10 filed with said Commission pursuant to the provisions of its
11 Domestic Uranium Program Circular 7 (10 C. F. R. 60.7);
12 “uranium lease” shall mean a uranium mining lease issued
13 by said Commission pursuant to the provisions of said Cir-
14 cular; and “person” shall mean any individual, corporation,
15 partnership, or other legal entity.

16 SEC. 11. If any provision of this Act, or the applica-
17 tion of such provision to any person or circumstances, is
18 held unconstitutional, invalid, or unenforcible, the remain-
19 der of this Act or the application of such provision to per-
20 sons or circumstances other than those as to which it is held
21 unconstitutional, invalid, or unenforcible, shall not be
22 affected thereby.

A BILL

To amend the mineral leasing laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes.

By Mr. MILLIKIN, Mr. JOHNSON of Colorado,
Mr. BENNETT, Mr. CASE, Mr. MUNDT, Mr.
WATKINS, Mr. KUCHEL, Mr. BARRETT, Mr.
HUNT, and Mr. ANDERSON

APRIL 26 (legislative day, APRIL 14), 1954
Read twice and referred to the Committee on Interior
and Insular Affairs

83^D CONGRESS
2^D SESSION

H. R. 8896

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 1954

Mr. DAWSON of Utah introduced the following bill; which was referred to the
Committee on Interior and Insular Affairs

A BILL

To amend the mineral leasing laws to provide for multiple mineral
development of the same tracts of the public lands, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, (a) subject to the conditions and provisions of this
4 Act and to any valid intervening rights acquired under the
5 laws of the United States, any mining claim located under
6 the mining laws of the United States subsequent to July 31,
7 1939, and prior to February 10, 1954, on lands of the
8 United States, which at the time of location were—

1 (1) included in a permit or lease issued under the
2 mineral leasing laws; or

3 (2) covered by an application or offer for a permit
4 or lease which had been filed under the mineral leasing
5 laws; or

6 (3) known to be valuable for minerals subject to
7 disposition under the mineral leasing laws,

8 shall be effective to the same extent in all respects as if
9 such lands at the time of location, and at all times there-
10 after, had not been so included or covered or known: *Pro-*
11 *vided, however,* That, in order to be entitled to the benefits
12 of this Act, the owner of any such mining claim located
13 prior to January 1, 1953, must have posted and filed for
14 record, within the time allowed by the provisions of the
15 Act of August 12, 1953 (67 Stat. 539), an amended notice
16 of location as to such mining claim, stating that such notice
17 was filed pursuant to the provisions of said Act of August
18 12, 1953, and for the purpose of obtaining the benefits
19 thereof: *And provided further,* That, in order to obtain the
20 benefits of this Act, the owner of any such mining claim
21 located subsequent to December 31, 1952, and prior to
22 February 10, 1954, not later than one hundred and twenty
23 days after the date of enactment of this Act, must post on
24 such claim in the manner required for posting notice of
25 location of mining claims and file for record in the office

1 where the notice or certificate of location of such claim
2 is of record an amended notice of location for such claim,
3 stating that such notice is filed pursuant to the provisions of
4 this Act and for the purpose of obtaining the benefits thereof
5 and, within said one hundred and twenty day period, if such
6 owner shall have filed a uranium lease application as to the
7 tract covered by such mining claim, must file with the
8 Atomic Energy Commission a withdrawal of such uranium
9 lease application or, if a uranium lease shall have issued
10 pursuant thereto, a release of such lease, and must record
11 a notice of the filing of such withdrawal or release in the
12 county office wherein such notice or certificate of location
13 shall have been filed for record.

14 (b) Labor performed or improvements made after the
15 original location of and upon or for the benefit of any mining
16 claim which shall be entitled to the benefits of this Act under
17 the provisions of subsection (a) of this section 1, shall be
18 recognized as applicable to such mining claim for all pur-
19 poses to the same extent as if the validity of such mining claim
20 were in no respect dependent upon the provisions of this Act.

21 (c) As to any land covered by any mining claim which
22 is entitled to the benefits of this Act under the provisions of
23 subsection (a) of this section 1, any withdrawal or reserva-
24 tion of lands made after the original location of such mining
25 claim is hereby modified and amended so that the effect

1 thereof upon such mining claim shall be the same as if such
2 mining claim had been located upon lands of the United
3 States which, subsequent to July 31, 1939, and prior to the
4 date of such withdrawal or reservation, were subject to
5 location under the mining laws of the United States.

6 SEC. 2. (a) If any mining claim which shall have been
7 located subsequent to December 31, 1952, and prior to
8 February 10, 1954, and which shall be entitled to the
9 benefits of this Act, shall cover any lands embraced within
10 any mining claim which shall have been located prior to
11 January 1, 1953, and which shall be entitled to the benefits
12 of this Act, then as to such area of conflict said mining
13 claim so located subsequent to December 31, 1952, shall be
14 deemed to have been located December 11, 1953.

15 (b) If any mining claim hereafter located shall cover
16 any lands embraced within any mining claim which shall
17 have been located prior to February 10, 1954, and which
18 shall be entitled to the benefits of this Act, then as to such
19 area of conflict said mining claim hereafter located shall be
20 deemed to have been located one hundred and twenty-one
21 days after the date of the enactment of this Act.

22 SEC. 3. (a) Subject to the conditions and provisions of
23 this Act and to any valid prior rights acquired under the
24 laws of the United States, the owner of any pending uranium
25 lease application or of any uranium lease shall have, for a

1 period of one hundred and twenty days after the date of
2 enactment of this Act, as limited in subsection (b) of this
3 section 3, the right to locate mining claims upon the lands
4 covered by said application or lease.

5 (b) Any rights under any such mining claim so here-
6 after located pursuant to the provisions of subsection (a)
7 of this section 3 shall be subject to any rights of the owner
8 of any mining claim which was located prior to February
9 10, 1954, and which was valid at the date of the en-
10 actment of this Act or which may acquire validity under
11 the provisions of this Act. As to any lands covered by a
12 uranium lease and also by a pending uranium lease appli-
13 cation, the right of mining location under this section 3,
14 as between the owner of said lease and the owner of said
15 application, shall be deemed as to such conflict area to
16 be vested in the owner of said lease. As to any lands
17 embraced in more than one such pending uranium lease
18 application, such right of mining location, as between the
19 owners of such conflicting applications, shall be deemed
20 to be vested in the owner of the prior application. Priority
21 of such an application shall be determined by the time of
22 posting on a tract of a notice of lease application in ac-
23 cordance with paragraph (c) of the Atomic Energy Com-
24 mission's Domestic Uranium Program Circular 7 (10
25 C. F. R. 60.7 (c)) provided there shall have been timely

1 compliance with the other provisions of said paragraph
2 (c) or, if there shall not have been such timely compliance,
3 then by the time of the filing of the uranium lease appli-
4 cation with the Atomic Energy Commission. Any rights
5 under any mining claim located under the provisions of this
6 section 3 shall terminate at the expiration of thirty days
7 after the filing for record of the notice or certificate of
8 location of such mining claim unless, within said thirty-
9 day period, the owner of the uranium lease application
10 or uranium lease upon which the location of such mining
11 claim was predicated shall have filed with the Atomic
12 Energy Commission a withdrawal of said application or
13 a release of said lease and shall have recorded a notice
14 of the filing of such withdrawal or release in the county
15 office wherein such notice or certificate of location shall
16 be of record.

17 (c) Except as otherwise provided in subsections (a)
18 and (b) of this section 3, no mining claim hereafter located
19 shall be valid as to any lands which at the time of such loca-
20 tion were covered by a uranium lease application or a
21 uranium lease. Any tract upon which a notice of lease
22 application has been posted in accordance with said
23 paragraph (c) of said Circular 7 shall be deemed to have been
24 included in a uranium lease application from and after the
25 time of the posting of such notice of lease application: *Pro-*

1 *vided*, That there shall have been timely compliance with
2 the other provisions of said paragraph (c) or, if there shall
3 not have been such timely compliance, then from and after
4 the time of the filing of a uranium lease application with the
5 Atomic Energy Commission.

6 SEC. 4. Every mining claim or millsite hereafter located
7 under the mining laws of the United States and every min-
8 ing claim or millsite heretofore so located which shall be
9 entitled to benefits under the first three sections of this Act
10 shall be subject to a reservation to the United States of all
11 Leasing Act minerals and of the right (as limited in section 6
12 hereof) of the United States, its lessees, permittees, and
13 licensees to enter upon the land covered by such mining
14 claim or millsite and to prospect for, drill for, mine, treat,
15 store, transport, and remove Leasing Act minerals and to
16 use so much of the surface and subsurface of such mining
17 claim or millsite as may be necessary for such purposes, and
18 whenever reasonably necessary, for the purpose of pros-
19 pecting for, drilling for, mining, treating, storing, transport-
20 ing, and removing Leasing Act minerals on and from other
21 lands; and any patent issued for any such mining claim or
22 millsite shall contain such reservation.

23 SEC. 5. Subject to the conditions and provisions of this
24 Act, mining claims and millsites may hereafter be located

1 under the mining laws of the United States on lands of the
2 United States which at the time of location are—

3 (a) included in a permit or lease issued under the
4 mineral leasing laws; or

5 (b) covered by an application or offer for a permit
6 or lease filed under the mineral leasing law; or

7 (c) known to be valuable for minerals subject to
8 disposition under the mineral leasing laws;
9 to the same extent in all respects as if such lands were not
10 so included or covered or known.

11 SEC. 6. (a) Where the same lands are being utilized for
12 mining operations and Leasing Act operations, each of such
13 operations shall be conducted, so far as reasonably practi-
14 cable, in a manner compatible with such multiple use.

15 (b) Any mining operations pursuant to rights under any
16 unpatented or patented mining claim or millsite which shall
17 be subject to a reservation to the United States of Leasing Act
18 minerals as provided in this Act, shall be conducted, so far
19 as reasonably practicable, in a manner which will avoid
20 damage to any known deposit of any Leasing Act mineral.
21 Subject to the provisions of subsection (d) of this section 6,
22 mining operations shall be so conducted as not to endanger
23 or materially interfere with any existing surface or under-
24 ground improvements, workings, or facilities which may have
25 been made for the purpose of Leasing Act operations, or

1 with the utilization of such improvements, workings, or
2 facilities.

3 (c) Any Leasing Act operations on lands covered by an
4 unpatented or patented mining claim or millsite which shall
5 be subject to a reservation to the United States of Leasing
6 Act minerals as provided in this Act, shall be conducted, so
7 far as reasonably practicable, in a manner which will avoid
8 damage to any known deposit of any mineral not so reserved
9 from such mining claim or millsite. Subject to the provi-
10 sions of subsection (d) of this section 6, Leasing Act opera-
11 tions shall be so conducted as not to endanger or materially
12 interfere with any existing surface or underground improve-
13 ments, workings, or facilities which may have been made
14 for the purpose of mining operations, or with the utilization
15 of such improvements, workings, or facilities.

16 (d) If, upon petition of either the mining operator or
17 the Leasing Act operator, any court of competent jurisdiction
18 shall find that a particular use in connection with one of
19 such operations cannot be reasonably and properly conducted
20 without endangering or materially interfering with the then
21 existing improvements, workings, or facilities of the other of
22 such operations or with the utilization thereof, and shall find
23 that under the conditions and circumstances, as they then
24 appear, the injury or damage which would result from denial

1 of such particular use would outweigh the injury or damage
2 which would result to such then existing improvements, work-
3 ings, or facilities or from interference with the utilization
4 thereof if that particular use were allowed, then and in such
5 event such court may permit such use upon payment (or
6 upon furnishing of security determined by the court to be
7 adequate to secure payment) to the party or parties who
8 would be thus injured or damaged, of an amount to be fixed
9 by the court as constituting fair compensation for the then
10 reasonably contemplated injury or damage which would re-
11 sult to such then existing improvements, workings, or facili-
12 ties or from interference with the utilization thereof by reason
13 of the allowance of such particular use.

14 (e) Where the same lands are being utilized for mining
15 operations and Leasing Act operations, then upon request of
16 the party conducting either of said operations, the party
17 conducting the other of said operations shall furnish to and
18 at the expense of such requesting party copies of any infor-
19 mation which said other party may have, as to the situs of
20 any improvements, workings, or facilities theretofore made
21 upon such lands, and upon like request, shall permit such
22 requesting party, at the risk of such requesting party, to
23 have access at reasonable times to any such improvements,
24 workings, or facilities for the purpose of surveying and check-
25 ing or determining the situs thereof. If damage to or material

1 interference with a party's improvements, workings, facilities,
2 or with the utilization thereof shall result from such party's
3 failure, after request, to so furnish to the requesting party such
4 information or from denial of such access, such failure or
5 denial shall relieve the requesting party of any liability for
6 the damage or interference resulting by reason of such failure
7 or denial. Failure of a party to furnish requested informa-
8 tion or access shall not impose upon such party any liability
9 to the requesting party other than for such costs of court
10 and attorney's fees as may be allowed to the requesting party
11 in enforcing by court action the obligations of this section as
12 to the furnishing of information and access. The obligation
13 hereunder of any party to furnish requested information shall
14 be limited to map and survey information then available to
15 such party with respect to the situs of improvements, work-
16 ings, and facilities and the furnishing thereof shall not be
17 deemed to constitute any representation as to the accuracy
18 of such information.

19 SEC. 7. (a) Any applicant, offeror, permittee, or lessee
20 under the mineral leasing laws may file in the office of
21 the Secretary of the Interior, or in such office as he may
22 designate, a request for publication of notice of such applica-
23 tion, offer, permit, or lease. The filing of such request for
24 publication shall be accompanied by an affidavit or affidavits
25 of a person or persons over twenty-one years of age setting

1 forth that the affiant or affiants have examined the lands
2 involved in a reasonable effort to ascertain whether any
3 person or persons were in actual possession of or engaged
4 in the working of such lands or any part thereof, and, if
5 no person or persons were found to be in actual possession
6 of or engaged in the working of said lands or any part thereof
7 on the date of such examination, setting forth such fact, or, if
8 any person or persons were so found to be in actual possession
9 or engaged in such working on the date of such examination,
10 setting forth the name and address of each such person,
11 unless affiant shall have been unable through reasonable
12 inquiry to obtain information as to the name and address of
13 any such person, in which event the affidavit shall set forth
14 fully the nature and results of such inquiry.

15 Thereupon the Secretary of the Interior, or his desig-
16 nated representative, at the expense of the requesting per-
17 son (who, prior to the commencement of publication, must
18 furnish the agreement of the publisher to hold such re-
19 questing person alone responsible for charges of publi-
20 cation), shall cause notice of such application, offer, per-
21 mit, or lease to be published in a newspaper having general
22 circulation in the county in which the lands involved are
23 situate.

24 Such notice shall describe the lands covered by such
25 application, offer, permit, or lease and shall notify whom-

1 ever it may concern that if any person claiming or assert-
2 ing under, or by virtue of, any unpatented mining claim,
3 any right or interest in Leasing Act minerals as to such
4 lands or any part thereof, shall fail to file in the office
5 where such request for publication was filed (which office
6 shall be specified in such notice) and within one hundred
7 fifty days from the date of the first publication of such
8 notice, a verified statement which shall set forth, as to
9 such unpatented mining claim:

10 (1) The date of location;

11 (2) The book and page of recordation of the notice
12 or certificate of location;

13 (3) The section or sections of the public land sur-
14 veys which embrace such mining claim; or if such lands
15 are unsurveyed, either the section or sections which
16 would probably embrace such mining claim when the
17 public land surveys are extended to such lands or a
18 tie by courses and distances to an approved United
19 States mineral monument;

20 (4) Whether such claimant is a locator or pur-
21 chaser under such location; and

22 (5) The name and address of such claimant and
23 names and addresses so far as known to the claimant
24 of any other person or persons claiming any interest
25 or interests in or under such unpatented mining claim;

1 such failure shall be conclusively deemed (i) to constitute a
2 waiver and relinquishment by such mining claimant of any
3 and all right, title, and interest under such mining claim as to,
4 but only as to, Leasing Act minerals, and (ii) to constitute a
5 consent by such mining claimant that such mining claim and
6 any patent issued therefor, shall be subject to the reservation
7 specified in section 4 of this Act, and (iii) to preclude there-
8 after any assertion by such mining claimant of any right or
9 title to or interest in any Leasing Act mineral by reason of
10 such mining claim.

11 If such notice is published in a daily paper, it shall be
12 published in the Wednesday issue for nine consecutive weeks,
13 or, if in a weekly paper, in nine consecutive issues, or, if in a
14 semiweekly or triweekly paper, in the issue of the same day
15 of each week for nine consecutive weeks.

16 Within fifteen days after the date of first publication of
17 such notice, the person requesting such publication (1) shall
18 cause a copy of such notice to be personally delivered to or
19 to be sent by registered mail addressed to each person in pos-
20 session or engaged in the working of the land whose name
21 and address is shown by an affidavit filed as aforesaid, and to
22 each person who may have filed, as to any lands described in
23 said notice, a request for notices, as provided in subsection (d)
24 of this section 7, and (2) shall file in the office where said

1 request for publication was filed an affidavit showing that
2 copies have been so delivered or mailed.

3 (b) If any claimant under any unpatented mining claim
4 which embraces any of the lands described in any notice
5 published in accordance with the provisions of subsection
6 (a) of this section 7 shall fail to file a verified statement,
7 as above provided, within one hundred and fifty days from
8 the date of the first publication of such notice, such failure
9 shall be conclusively deemed, except as otherwise provided
10 in subsection (e) of this section 7, (i) to constitute a waiver
11 and relinquishment by such mining claimant of any and all
12 right, title, and interest under such mining claim as to, but
13 only as to, Leasing Act minerals, and (ii) to constitute
14 a consent by such mining claimant that such mining claim
15 and any patent issued therefor, shall be subject to the reser-
16 vation specified in section 4 of this Act, and (iii) to pre-
17 clude thereafter any assertion by such mining claimant of
18 any right or title to or interest in any Leasing Act mineral
19 by reason of such mining claim.

20 (c) If any verified statement shall be filed by a mining
21 claimant as provided in subsection (a) of this section 7, then
22 the Secretary of the Interior or his designated representative
23 shall fix a time and place for a hearing to determine the
24 validity and effectiveness of the mining claimant's asserted

1 right or interest in Leasing Act minerals. The procedures
2 with respect to notice of such a hearing and the conduct
3 thereof, and in respect to appeals shall follow the then estab-
4 lished general procedures and rules of practice of the Depart-
5 ment of the Interior in respect to contests or protests affect-
6 ing public lands of the United States. If at any time prior
7 to a hearing the person requesting publication of notice and
8 any person filing a verified statement pursuant to such notice
9 shall so stipulate, then to the extent so stipulated, but only
10 to such extent, no hearing shall be held with respect to
11 rights asserted under that verified statement, and to the
12 extent defined by the stipulation the rights asserted under
13 that verified statement shall be deemed to be unaffected by
14 that particular published notice.

15 (d) Any person claiming any right in Leasing Act min-
16 erals under or by virtue of any unpatented mining claim and
17 desiring to receive a copy of any notice of any application,
18 offer, permit, or lease which may be published as above pro-
19 vided in subsection (a) of this section 7, and which may
20 affect lands embraced in such mining claim, may cause to
21 be filed for record in the county office of record where the
22 notice or certificate of location of such mining claim shall
23 have been recorded, a duly acknowledged request for a
24 copy of any such notice. Such request for copies shall set
25 forth the name and address of the person requesting copies

1 and shall also set forth, as to each mining claim under which
2 such person asserts rights in Leasing Act minerals:

3 (1) the date of location;

4 (2) the book and page of the recordation of the
5 notice or certificate of location; and

6 (3) the section or sections of the public land sur-
7 veys which embrace such mining claim; or if such lands
8 are unsurveyed, either the section or sections which
9 would probably embrace such mining claim when the
10 public land surveys are extended to such lands or a
11 tie by courses and distances to an approved United States
12 mineral monument.

13 Other than in respect to the requirements of subsection (a)
14 of this section 7 as to personal delivery or mailing of copies
15 of notices and in respect to the provisions of subsection (e)
16 of this section 7, no such request for copies of published
17 notices and no statement or allegation in such request and
18 no recordation thereof shall affect title to any mining claim
19 or to any land, or be deemed to constitute constructive notice
20 to any person that the person requesting copies has, or
21 claims, any right, title, or interest in or under any mining
22 claim referred to in such request.

23 (e) If any applicant, offeror, permittee, or lessee shall
24 fail to comply with the requirements of subsection (a) of
25 this section 7 as to the personal delivery or mailing of a

1 copy of notice to any person, the publication of such notice
2 shall be deemed wholly ineffectual as to that person or as to
3 the rights asserted by that person and the failure of that
4 person to file a verified statement, as provided in such notice,
5 shall in no manner affect, diminish, prejudice or bar any
6 rights of that person.

7 SEC. 8. The owner or owners of any mining claim
8 heretofore located may, at any time prior to issuance of
9 patent therefor, waive and relinquish all rights thereunder to
10 Leasing Act minerals. The execution and acknowledgment
11 of such a waiver and relinquishment by such owner or
12 owners and the recordation thereof in the office where the
13 notice or certificate of location of such mining claim is of
14 record shall render such mining claim thereafter subject to
15 the reservation referred to in section 4 of this Act and any
16 patent issued therefor shall contain such a reservation, but
17 no such waiver or relinquishment shall be deemed in any
18 manner to constitute any concession as to the date of priority
19 of rights under said mining claim or as to the validity
20 thereof.

21 SEC. 9. Notwithstanding the provisions of the Atomic
22 Energy Act, and particularly section 5 (b) (7) thereof,
23 or the provisions of the Act of August 12, 1953 (67 Stat.
24 539), and particularly section 3 thereof, any mining claim,
25 whether heretofore or hereafter located under the mining

1 laws of the United States, for, or based upon a discovery of
2 a mineral deposit which is a fissionable source material and
3 which, except for the possible contrary construction of the
4 Atomic Energy Act, would have been or would be locatable
5 under such mining laws, shall be valid and effective in
6 all respects to the same extent as if said mineral deposit
7 were a locatable mineral deposit other than a fissionable
8 source material. Notwithstanding the provisions of said
9 section 5 (b) (7) of the Atomic Energy Act no mining
10 claim heretofore or hereafter located under the mining laws
11 of the United States shall be subject to, and no mineral
12 patent hereafter issued shall contain, a reservation to the
13 United States of fissionable source material, but the United
14 States, its agents or representatives, shall have the right at
15 any time to enter upon the land to prospect for, mine and
16 remove fissionable source material upon making just com-
17 ensation for any damage or injury occasioned thereby:
18 *Provided*, That no such right of entry shall be exercised
19 unless the Atomic Energy Commission shall have determined
20 that the security needs of the United States require emer-
21 gency production of fissionable source materials: *Provided*
22 *further*, That the amounts to be paid to the owners of rights
23 under any such mining claim for any fissionable source
24 material so mined and removed by the United States, its

1 agents or representatives, shall be such amounts as the Com-
2 mission in its discretion deems to be fair and reasonable.

3 SEC. 10. As used in this Act "mineral leasing laws"
4 shall mean the Act of October 20, 1914 (38 Stat. 741);
5 the Act of February 25, 1920 (41 Stat. 437); the Act
6 of April 17, 1926 (44 Stat. 301); the Act of February 7,
7 1927 (44 Stat. 1057); and all Acts heretofore or here-
8 after enacted which are amendatory of or supplementary
9 to any of the foregoing Acts; "Leasing Act minerals" shall
10 mean all minerals which, upon the effective date of this
11 Act, are provided in the mineral leasing laws to be disposed
12 of thereunder, "Leasing Act operations" shall mean opera-
13 tions conducted under a lease, permit, or license issued under
14 the mineral leasing laws in or incidental to prospecting for,
15 drilling for, mining, treating, storing, transporting, or re-
16 moving Leasing Act minerals; "mining operations" shall
17 mean operations under any unpatented or patented mining
18 claim or millsite in or incidental to prospecting for, mining,
19 treating, storing, transporting, or removing minerals other
20 than Leasing Act minerals and any other use under any
21 claim of right or title based upon such mining claim or
22 millsite; "Leasing Act operator" shall mean any party who
23 shall conduct Leasing Act operations; "mining operator" shall
24 mean any party who shall conduct mining operations;
25 "Atomic Energy Act" shall mean the Act of August 1,

1 1946 (60 Stat. 755), and all heretofore enacted Acts which
2 are amendatory of or supplementary to said Act; “Atomic
3 Energy Commission” shall mean the United States Atomic
4 Energy Commission established under the Atomic Energy
5 Act or any amendments thereof; “fissionable source material”
6 shall mean uranium, thorium, and all other materials referred
7 to in section 5 (b) (7) of the Atomic Energy Act as re-
8 served or to be reserved to the United States; “uranium lease
9 application” shall mean an application for a uranium lease
10 filed with said Commission pursuant to the provisions of its
11 Domestic Uranium Program Circular 7 (10 C. F. R. 60.7);
12 “uranium lease” shall mean a uranium mining lease issued
13 by said Commission pursuant to the provisions of said Cir-
14 cular; and “person” shall mean any individual, corporation,
15 partnership, or other legal entity.

16 SEC. 11. If any provision of this Act, or the applica-
17 tion of such provision to any person or circumstances, is
18 held unconstitutional, invalid, or unenforcible, the remain-
19 der of this Act or the application of such provision to per-
20 sons or circumstances other than those as to which it is held
21 unconstitutional, invalid, or unenforcible, shall not be
22 affected thereby.

A BILL

To amend the mineral leasing laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes.

By Mr. Dawson of Utah

APRIL 27, 1954

Referred to the Committee on Interior and Insular
Affairs

The committee also changed the rules of the House bill governing the tax treatment of the receipt of consideration apart from that permitted to be received without the recognition of gain in an otherwise tax-free reorganization. In general the committee decided to return to existing law with respect to the manner of taxing such consideration, but retained the approach of the House bill where there is an exchange of bonds. Thus to the extent that the principal amount of any bonds surrendered and received match there is no gain, but any excess may be taxed to the extent of its fair market value.

Section 391, Effective Date:

The committee decided to make the rules as to corporate distributions and liquidations, effective with respect to distributions after June —, 1954. The rules as to corporate reorganizations will apply to plans adopted (or approved by the Treasury Department) after this date. Plans of reorganization entered into before this date generally will be subject to the rules of existing law although the staff has been asked to try to work out a provision whereby the new rules can, at the option of the taxpayer, be made applicable at an earlier date. Preferred stock distributed pursuant to plans already adopted would be treated as if it were already outstanding prior to June —, 1954, so that it will be subject to the rules of existing law with respect to its disposition or redemption.

Section 923, Business Income From Foreign Sources: New House provision. The committee decided to strike out of the bill the House provision giving American business operating abroad a 14-point tax differential. The committee in striking out this provision indicated that it was doing so to give time for further study of this provision before the conference with the House.

(3) The committee deferred consideration of sections 381 and 382—carryovers.

Committee will meet again tomorrow.

MUTUAL SECURITY PROGRAM

Committee on Foreign Relations: Committee continued its hearings on the proposed Mutual Security Program for fiscal year 1955, with testimony today from Harold E. Stassen, Director of Foreign Operations Administration. Mr. Stassen, in a prepared statement, discussed in detail with the committee various items of the proposed \$3.5 billion program.

Hearings continue tomorrow, in executive session, to hear Chairman of the Joint Chiefs of Staff Adm. Arthur W. Radford.

SUBCOMMITTEE INVESTIGATION

Committee on Government Operations: Permanent Subcommittee on Investigations continued its hearings with regard to the Army-subcommittee controversy, with further testimony today from Roy M. Cohn, subcommittee counsel. Hearings continue tomorrow.

MISCELLANEOUS BILLS APPROVED

Committee on Interior and Insular Affairs: Committee, in executive session, ordered favorably reported:

Amended—S. 3344, to amend the mineral leasing laws to provide for multiple mineral development of the same tracts of the public lands; H. R. 3915, to permit the mining, development, and utilization of the mineral resources of all public lands withdrawn or reserved for power development; S. 446, authorizing construction

and maintenance of the Foster Creek reclamation project, Washington; and S. 3385, providing for more effective extension work among Indian tribes; and

Without amendment—H. R. 3986, to authorize appropriation of additional funds to complete the International Peace Garden, N. Dak.; H. R. 1005, to authorize the establishment of the Fort Union National Monument, N. Mex.; S. 2488, trust patents in lieu of land-use exchange assignments issued on Cheyenne River Sioux Reservation and Standing Rock Reservation; S. 3239, conveyance of land to State of California for inspection station; S. 3453, management and disposition of reconveyed Choctaw and Chickasaw lands, Oklahoma; H. R. 2231, settlement contracts with Sioux Indians, South Dakota, for lands acquired by U. S. for Fort Randall Dam; H. R. 3413, grants oil and gas rights in lands on Fort Peck Indian Reservation, Mont.; and H. R. 6154, to authorize payment of salaries and expenses of the Fort Peck Tribe.

TRIP LEASING

Committee on Interstate and Foreign Commerce: Committee continued its hearings on H. R. 3203, to prohibit the ICC from regulating the duration of certain leases for the use of equipment by motor carriers, with testimony urging enactment of the bill from Matt Triggs, American Farm Bureau Federation. Testimony in opposition to the bill was heard from Albert Evans and E. K. Wheeler, both of the Teamsters Union.

Hearings continue June 25.

GAMBLING, AND 3/8-BUSHEL BASKET

Committee on Interstate and Foreign Commerce: Subcommittee on Business and Consumer Interests concluded hearings on S. 3190, to prohibit the transportation of gambling devices in interstate and foreign commerce, and S. 3542, to prohibit transmission of certain gambling information in interstate and foreign commerce by communication facilities. Testimony was received as follows: Warren Olney III, Assistant Attorney General for Criminal Division, Justice Department, who suggested amendments to both bills; representatives of the American Telephone & Telegraph Co. and Western Union, who suggested amendments to S. 3542; and Walter E. Gallagher, attorney of Washington, D. C., representing certain turf publications, who opposed enactment of S. 3542.

The subcommittee also held and concluded hearings on H. R. 8357, to amend the Standard Container Act to provide for a 3/8-bushel measurement for fruits and vegetables, with testimony from the following proponents of the bill: Senator Lennon; Representatives Barden, Deane, King of Pennsylvania, and Campbell; Alvin A. Voges, American Veneer Package Association, Inc., Orlando, Fla., and Fresh Fruit & Vegetable Association; Moses Richter, Richter & Cochran, Inc., Mount Gilead, N. C.; William Capel, Candor, N. C.; Samuel Fraser, International Apple Association, Washington,

D. C.; F. D. Farrell, Taylor Chemical Co., Aberdeen, N. C.; and Raymond G. Ramsey, American Package Corp., Portsmouth, Va. Also testifying was C. D. Baucom, North Carolina State superintendent of weights and measures, who stated that he had no objection to the bill.

Subcommittee will hold hearings tomorrow on S. 3434, to amend the Federal Power Act.

PRIVATE BILLS APPROVED

Committee on the Judiciary: Committee, in executive session, ordered favorably reported the following 32 private claims bills: H. R. 2617, 2678, 2876, 3623, 4104, 4329, 4919, 5025, 5158, 5433, 5436, 5572, 6033, 6196, 6642, 2815, 724, 2636, S. 384, 2455, 45, 1615, 1216, 1434, 1757, 1795, 1925, 1942, 2240, 2823, 2980, and 3062.

The committee indefinitely postponed the following three private claims bills: H. R. 3757, S. 2848 and 3102.

PRIVATE BILLS

Committee on the Judiciary: Subcommittees held routine hearings on S. 3091 and H. R. 7753, both private claims bills.

VOCATIONAL REHABILITATION

Committee on Labor and Public Welfare: Subcommittee on Health met in executive session to consider further S. 2759, to promote and assist in the extension and improvement of vocational rehabilitation services.

NIAGARA POWER PROJECT, AND COOSA RIVER

Committee on Public Works: Committee, in executive session, ordered favorably reported without amendment S. 2599, to permit the development of water resources of the Niagara River pursuant to the Federal Power Act by removing the reservation under Executive N, 81st Congress, 2d session; and H. R. 8923, to provide for the development of the Coosa River, Ala. and Ga., for electric power.

House of Representatives

Chamber Action

Bills Introduced: 14 public bills, H. R. 9474-9487; and 11 private bills, H. R. 9488-9498, were introduced.

Pages 7454-7455

Bills Reported: Reports were filed as follows:

H. R. 1974, to redefine the territorial limits of division No. 2 for the Federal District Court for the Territory of Alaska, amended (H. Rept. 1766);

H. R. 8754, to provide for a continuance of civil government for the Trust Territory of the Pacific Islands, amended (H. Rept. 1767);

H. R. 9340, to provide for the conveyance of the federally owned lands which are situated within Camp Blanding Military Reservation, Fla., to the Armory Board, State of Florida, in order to consolidate ownership and perpetuate the availability of Camp Blanding for military training and use (H. Rept. 1768);

S. J. Res. 72, regarding sale of certain vessels to citizens of the Philippines, amended (H. Rept. 1769);

S. 2802, to encourage further the distribution of fishery products in the development of research programs and increased markets (H. Rept. 1770);

S. 3096, utilization of physicians, dentists, or specialists in enlisted grades of the Armed Forces (H. Rept. 1771); and

H. R. 8921, establishing the rate of compensation for the position of the General Counsel of the Department of Commerce (H. Rept. 1772).

Page 7454

Congressional Bicentennial: Received and accepted the resignation of Representative Cotton from the committee named to attend the ceremonies in connection

with the celebration of the 200th anniversary of the Congress of 1754 at Albany, N. Y.

Page 7407

Tobacco Marketing Quotas: Vacated the proceedings of passage, on June 7, of S. 3050, to amend the Agricultural Adjustment Act of 1938 regarding tobacco marketing quotas; adopted an amendment to the bill and again passed the legislation.

Page 7413

Indians: Adopted conference report on H. R. 2828, providing for per capita payments to members of the Menominee Tribe of Indians from the trust funds credited to the tribe. This action clears the bill for the White House.

Page 7413

Philippine Veterans: H. R. 8044, to extend authorization for the hospitalization of certain veterans in the Philippines, was cleared for Presidential action when the House agreed to Senate amendments thereto.

Page 7417

Private Calendar: On the call of the Private Calendar the following bills were passed:

Cleared for the President: S. J. Res. 119; S. 144, 857, 1400, and 1794.

Sent to the Senate without amendment: H. R. 1185, 3216, 3273, 3384, 3820, 4580, 5086, 5092, 5489, 6388, 6529, 6773, 6967, 7031, and 8697.

Sent to the Senate, amended: H. R. 1364, 1962, 4531, 6263, 6332, 6566, 7835, and 7886.

Also completed legislative action on H. Res. 520, 545, 546, and 547.

S. 3450 and H. R. 2781 were passed over without prejudice.

Pages 7408-7413

83D CONGRESS }
2d Session }

SENATE

{ REPORT
{ No. 1610

AMENDING THE MINERAL LEASING LAWS TO PROVIDE FOR MULTIPLE MINERAL DEVELOPMENT OF THE SAME TRACTS OF THE PUBLIC LANDS, AND FOR OTHER PURPOSES

JUNE 16 (legislative day, JUNE 11), 1954.—Ordered to be printed

Mr. BARRETT, from the Committee on Interior and Insular Affairs,
submitted the following

R E P O R T

[To accompany S. 3344]

The Committee on Interior and Insular Affairs, to whom was referred the bill (S. 3344) to amend the mineral leasing laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes, having considered the same report favorably thereon with amendments and recommended that the bill, as amended, do pass.

Extensive public hearings were held by the committee at which spokesmen for mining industry, oil and gas operators, uranium producers, and other interested persons appeared in support of the measure. The Department of the Interior and the Atomic Energy Commission also testified and have reported favorably on the measure.

No appropriation of Federal funds is involved.

PURPOSE OF MEASURE

The intent of the bill S. 3344 is to resolve conflicts between the mining laws of the United States and the Mineral Leasing Act which have prevented mineral development of the same tracts of the public lands from going forward under both systems. Land on which mineral locations have been made under the mining laws has not been open to leasing under the Mineral Leasing Act, and on the other hand land covered by an oil and gas lease or a permit, or an application or offer for the same, under the Mineral Leasing Act, or known to be valuable for oil and gas or other Leasing Act minerals, could not be located under the mining laws.

S. 3344 would permit the development of mineral resources of the public lands, including uranium, to go forward on the same tracts of

land under both systems. It would thus be a step forward in the development of the natural resources of the Nation. An immediate effect would be the opening of some 60 million acres of the public lands, now under oil and gas lease, to location for uranium and other minerals. At the same time, it would stimulate oil and gas development on the public lands by authorizing operations for leasable minerals on lands open to location under the mining laws, and by establishing a means for determining the validity of any rights claimed for Leasing Act minerals under patented mining claims located prior to the effective date of this act.

BACKGROUND OF LEGISLATION

The problem which S. 3344 seeks to solve has existed since the passage of the Mineral Leasing Act of 1920, setting aside all leasable minerals in the public lands of the United States for disposition under that act. With the critical needs of the Nation for supplies of fissionable materials within our borders, however, and the consequent great impetus given to exploration for uranium, the situation has become urgent. For example, the Colorado Plateau, extending over parts of the States of Utah, Arizona, New Mexico, and Colorado, has perhaps the greatest uranium reserves of any known area under the American flag, yet much of the area is covered by oil and gas leases, thus, in effect, withdrawing it from all mineral development other than oil and gas.

Your committee faced the problem at length last year in its consideration of S. 1397, which became Public Law 250, 1st session, 83d Congress (act of August 12, 1953; 67 Stat. 539). This act permitted the validation, under the procedures set forth, of mining claims located between August 1, 1939, and December 31, 1952, which might otherwise have been invalid by reason of having been located on lands included in a permit, lease, application or offer under the Mineral Leasing Act or known to be valuable for minerals subject to disposition under that act. In recognition of the need for multiple mineral development of the public lands the validation afforded by the act of August 12, 1953, was made subject to the reservation to the United States of all Leasing Act minerals, together with appropriate rights of entry and operation.

The act of August 12, 1953, was a limited and temporary measure and it was realized that in the interest of multiple mineral development of the public lands further legislation of a general scope was necessary. The report, *Mining Claims on Oil Lands* of the Senate Interior Committee on S. 1397 (S. Rept. 593, 83d Cong., 1st sess.), pointed out this need, setting forth in this connection a report from the Department of the Interior, urging adoption of legislation which would permit lands leased for oil and gas or other minerals under the Mineral Leasing Act, or known to be valuable for such minerals, to be also utilized for mineral development under the mining laws, and which, conversely, would reserve Leasing Act minerals from future mining claims and patents under the mining laws.

POSITION OF MINING INDUSTRY AND OIL OPERATORS

As a result of the committee's findings and action with respect to Public Law 250, the Department of the Interior subsequently requested both the oil and gas industry and the mining industry to

consider the problem jointly with a view to assisting Congress to work out a solution on a permanent basis.

Responsive to this request the National Petroleum Council made a report to the Secretary recommending legislation which—

would adequately reconcile the conflicting scope and operation of the mining laws and the Mineral Leasing Act for the purpose of the oil and gas industry and the mining industry, and in the best interests of the United States, and would result in increased development of the oil and gas resources of the public lands without infringing any of the proper benefits now accorded the mining industry by the mining laws or retarding development of mineral resources under those laws.

The American Mining Congress at its 1953 meeting adopted the following declaration of policy:

We recognize that the coexistence of two systems for acquiring rights to prospect for and remove the mineral resources of the public domain—one under the general mining laws and the other under the Mineral Leasing Act of 1920—has resulted in conflicts. We believe that the conflicts in these two systems should be carefully reviewed and an effort made to remove them, so as to eliminate, insofar as possible, any restriction of opportunity for development of our mineral resources, while leaving intact the basic principles and fundamental benefits of our system of mining locations.

EXPLANATION OF THE PROVISIONS

The first three sections of S. 3344 are technical in nature, and are designed to protect equities which were created in part as a result of consideration and enactment of Public Law 250 last year. Public Law 250 provided a cutoff date of January 1, 1953, for validation of mining claims made on lands under oil and gas lease. Enactment of the law did not of course cause prospecting for uranium to stop, after that date, nor was it the intent of the law that it should stop.

In both the hearings and the committee report on S. 1397, establishment of leasing procedures by the Atomic Energy Commission were envisioned. These procedures were in fact set up on a general basis by AEC Circular No. 7, issued January 29, 1954, and generally understood by prospectors to be effective February 10, 1954. Prospecting for fissionable source materials continued on the Colorado Plateau and elsewhere, and such activity was not discouraged in any way either by the Atomic Energy Commission or the Department of the Interior.

As pointed out, enactment of S. 3344 would open to location under the mining laws vast areas now withdrawn from such location under the mineral leasing laws. Sections 1, 2, and 3 of the bill would establish preference categories in order to protect mining claimants on such lands who have heretofore proceeded in good faith. Unless this were done, there would be a mad scramble to relocate such areas in an effort to capitalize on the title uncertainties inherent in the present situation. Serious conflicts, controversies and possible injustices would result.

Accordingly the sections grant (1) protection preference to any person who had located a claim prior to January 1, 1953, and who attempted to validate the claim under Public Law 250; (2) subject to (1), protection to any person who located a claim after December 31, 1952, and prior to February 10, 1954 (the effective date of AEC's Circular 7); and (3) subject to (1) and (2), a preference right to any person who, prior to the enactment of the bill, has posted notice of or filed application for or has secured a lease from the Atomic Energy Commission.

The committee believes that both equitable and national considerations warrant the relief accorded covered by the sections.

Sections 4, 5, and 6 of the bill deal with the basic problems of conflict between the mining laws and the Mineral Leasing Act. Section 4 would make future mining claims and patents under the mining laws subject to the reservation to the United States of all minerals which are disposable under the Mineral Leasing Act, together with rights of entry and operation. Section 5 would permit the location of mining claims on lands which are subject to leases, permits, applications or offers under the Mineral Leasing Act or which are known to be valuable for the minerals disposable under the Mineral Leasing Act. Section 6 prescribes the principles of operation to be followed in conducting mining operations and Mineral Leasing Act operations on the same lands.

Section 7 provides a procedure under which a lessee, permittee, applicant, or offeror under the Mineral Leasing Act may obtain a determination as to the existence of unpatented mining claims on the land under which rights in the oil and gas or other leasing act minerals are asserted, and the ownership of the rights so asserted. This procedure looks toward eliminating the title uncertainties which follow from the possible existence of unidentifiable mining locations and from the uncertain status of old and inactive locations, conditions which have retarded oil, gas, and other mineral development of the lands affected.

Section 8 provides that the owner of an unpatented mining claim heretofore located may relinquish all rights under the claim to the oil and gas and other leasing act minerals. This provision would assist in the negotiation of settlements and the avoidance of conflicts.

Section 9 of S. 3344 as reported is a new section added by the committee as a result of evidence that in some instances withdrawal of an area for one mineral has needlessly prevented development of deposits of other minerals in the same area. For example, a substantial reserve of helium was discovered by a Federal lessee while drilling for oil. Under existing law (Act of September 1, 1937; 50 Stat. 885), the United States has title to all helium on the public lands and the area was immediately withdrawn. There was strong geologic evidence that a substantial oil deposit lay underneath the helium, and that the oil could be extracted without harm to the helium deposit. Yet, since the land was subject to the helium withdrawal, the oil deposit could not be developed.

The committee's amendment set forth in section 9 is designed to permit the development of leasable mineral resources, other than the one for which the withdrawal was made, in lands withdrawn for mineral purposes.

Section 10 of the reported bill covers the same subject matter as section 9 of S. 3344 as introduced. The language of subsections (a), (b), and (c) of the present section 10 is that proposed by the Atomic Energy Commission in its report to the committee and explained in detail by spokesmen for the Commission in the hearings. Department of the Interior spokesmen informed the committee that Interior would defer to the Commission's views as to the wording of the first three subsections, and strongly urged the adoption of the provision incorporated in subsection (d).

Section 10 of the reported bill would accomplish two principle objectives:

(1) Deletion of the reservation to the United States of fissionable material in the lands of the United States now in the Atomic Energy Act; and

(2) Confirmation of the validity of otherwise valid mining claims located on the basis of a discovery of fissionable source material alone.

Deletion of the reservation of fissionable materials necessitates several amendments to the Atomic Energy Act and these are set forth in subsections (a) (b) and (c) of section 10 in accordance with the Commission's recommendation.

Attention is directed to the following statement of the Commission in its favorable report to the committee:

This (id est, deletion of the reservation) would represent no economic loss to the Government since at no time has the Atomic Energy Commission paid less for source materials originating on lands subject to the reservation than it has for source materials originating on lands to which the reservation had no application. The principal practical effect of the reservation thus far has been detrimental to the Commission's program in that, although neither the Commission nor the Department of Interior believes there is legal ground for it, doubt has arisen in the mining industry as to whether a mining claim based on the discovery of a source material alone is legally valid. Complete deletion of the reservation would place source materials on the same footing as any other minerals within the scope of the mining laws of 1872, as amended, and thereby leave no doubt whatsoever on this score.

Subsection (d), as stated, was adopted on the recommendation of the Department of the Interior to remove the cloud presently existing on claims located for fissionable materials by reason of the reservation.

Under a 1947 ruling by an official of the Department of the Interior, the reservation in section 5 (b)(7) of the Atomic Energy Act was interpreted as precluding mining locations for fissionable source materials (appeal of Jesse C. Clark, A. 24521, January 14, 1947). Although the Atomic Energy Commission has not given the act that interpretation and has encouraged mining locations for such materials, and although in the hearings spokesmen for the Department of the Interior testified that the present position of the Department is that such claims are valid, doubt does in fact still exist as to the validity of claims made on the basis of discovery or a source material alone. Subsection (d) of section 10 would protect mining claims against any invalidity by reason of having been located for fissionable source materials, and make it clear that the Atomic Energy Act does not preclude the location and patenting of mining claims for those materials, subject to the limitations in the act as to the disposal and use of such materials.

Section 11 defines the terms used in S. 3344, and sets forth the specific citation of the laws directly involved. The amendment to the definition of the term "uranium lease application" was made in accordance with the recommendation of the Atomic Energy Commission.

Section 12 is the usual "saving clause," providing that if any part of the measure shall be held to be invalid or unenforceable, the remaining provisions shall not be affected by such a holding.

The title is amended to insert the words "and the mining laws" after the words "mineral leasing laws."

THE AMENDMENTS

In addition to rewriting entirely the present section 10, and adding section 9, as discussed above, the committee adopted one other amendment of substance, based on the hearings. Additional provisions were added to subsection (a) of section 7 to require that before the lessee, permittee, applicant or offeror under the Mineral Leasing Act invokes the procedure provided for in section 7, a notice of the filing of his application or his offer or the issuance of his permit or lease shall be filed for record in the county office of record for the county in which the lands involved are situated, and that his request for publication of the notice which commences the procedure shall be accompanied by a certified copy of the recorded notice of his application, offer, permit, or lease.

The committee added these provisions in an effort to afford further protection to the holder of a mining claim or interest therein.

CONCLUSION

Your committee is convinced that enactment of S. 3344, as amended, would result in greatly increased development of the mineral resources of the public lands of the United States, including increased domestic supplies of fissionable source materials. It therefore recommends prompt approval of the measure by the Senate.

REPORTS OF EXECUTIVE AGENCIES

The favorable reports of the Atomic Energy Commission and of the Department of the Interior are set forth in full below. Also set forth is the favorable comment of the Joint Committee on Atomic Energy of the Congress. The joint committee's views were sought since it is considering bills for overall revision of the Atomic Energy Act and the Interior Committee wished to do nothing at variance with or inconsistent with the probable action of the joint committee with respect to source materials.

UNITED STATES ATOMIC ENERGY COMMISSION,
Washington, D. C., May 21, 1954.

HON. HUGH BUTLER,

Chairman, Committee on Interior and Insular Affairs,

United States Senate.

DEAR SENATOR BUTLER: Our views have been requested on S. 3344 and H. R. 8892, identical bills to amend the mineral leasing laws to provide for multiple mineral development of the same tracts of the public lands, and other purposes.

Insofar as they bear upon the activities and field of interest of the Atomic Energy Commission, the bills appear to have two major objectives:

1. To permit establishment of mining claims under the mining laws on lands to which the mineral leasing acts are applicable and
2. To confirm that despite the reservation to the United States of source material in the public lands set forth in section 5 (b) (7) of the Atomic Energy Act of 1946, as amended, valid mining claims may be established on the basis of a discovery of a source material alone.

We are of the opinion that realization of both objectives would further the Commission's aim of encouraging greater domestic production of source materials and are therefore happy to state our recommendation that the proposal be enacted. We should like to suggest certain amendments, however, which we believe are fully

in keeping with the apparent purposes of the bills. The changes we suggest fall into two categories.

First, a group of formal changes which require very little discussion, all falling on page 21 of the committee prints:

1. In lines 1 and 2 of page 21, reference is made to the act of August 1, 1946, and "all heretofore enacted acts which are amendatory of or supplementary to said act." Since it might be difficult to determine with certainty what acts are "supplementary to" the Atomic Energy Act of 1946, our suggestion would be to substitute the words "as amended" for the longer phrase just quoted.

2. In line 7 of page 21 reference is made to "section 5 (b) (7) of the Atomic Energy Act." We believe that the reference should be to section 5 (b) (1).

3. In lines 8 through 14 of page 21 definitions are set forth of "uranium lease application" and "uranium lease." Both are defined by reference to the provisions of the Commission's Domestic Uranium Program Circular 7. We assume that all uranium lease applications or uranium leases relating to oil and gas lands are meant to be comprehended and that the reference to Circular 7 is intended to be shorthand for this purpose. The fact that the Commission both received some applications and issued some leases prior to the promulgation of Circular 7 produces the result that the shorthand phrase is somewhat deficient for its intended purpose. It is suggested that lines 8 to 14 be revised to read as follows:

"Uranium lease application" shall mean an application for a uranium lease filed with said Commission with respect to lands which would be open for entry under the mining laws except for their being lands embraced within an offer, application, permit, or lease under the mineral leasing laws or lands known to be valuable for minerals leasable under those laws; "uranium lease" shall mean a uranium mining lease issued by said Commission with respect to any such lands;

Second, substitution of an entirely different draft for section 9 of the bills. This proposed alternative, set forth in full in the attached memorandum, is believed to be entirely consistent, so far as objectives are concerned, with section 9 as now set forth in the bills. It embodies the substance of proposals set forth in a general bill to amend the Atomic Energy Act, H. R. 8862 and S. 3323, now under consideration by the Joint Committee on Atomic Energy. It approaches the problems created by the reservation embodied in section 5 (b) (7) of the Atomic Energy Act by expunging the reservation from the act in its entirety. This would represent no economic loss to the Government since at no time has the Atomic Energy Commission paid less for source materials originating on lands subject to the reservation than it has for source materials originating on lands to which the reservation had no application. The principal practical effect of the reservation thus far has been detrimental to the Commission's program in that, although neither the Commission nor the Department of Interior believes there is legal ground for it, doubt has arisen in the mining industry as to whether a mining claim based on the discovery of a source material alone is legally valid. Complete deletion of the reservation would place source materials on the same footing as any other minerals within the scope of the mining laws of 1872, as amended, and thereby leave no doubt whatsoever on this score.

With the deletion of the reservation, three related amendments of the Atomic Energy Act of 1946 become necessary:

1. The reservation of section 5 (b) (7) includes a right to enter upon the land and prospect for, mine, and remove source materials, with just compensation for any damage or injury occasioned thereby. Because section 5 (b) (5) of the Atomic Energy Act in its present form authorizes the Commission to acquire by purchase or condemnation supplies of source materials or any interest in real property containing deposits of source materials, the deletion of the part of the reservation giving the United States rights to enter upon lands containing source materials is of no great consequence to the Commission. On the other hand, the Commission's authority under section 5 (b) (5) to acquire source materials and interests in real property containing them does not explicitly comprehend acquisition of prospecting and exploratory rights in lands deemed to have possibilities of containing source materials. Hence, it is suggested that the scope of section 5 (b) (5) be enlarged to comprehend exploratory and prospecting rights. With section 5 (b) (5) thus amended, section 5 (b) (6) in its present form would be superfluous and should be deleted.

2. Although enactment of S. 3344 and H. R. 8892 would no longer make it necessary for the Commission to issue leases for source materials with respect to oil and gas lands, a narrow area would remain (e. g., source materials discovered on lands withdrawn other than by reason of the application of the mineral leasing laws) in which the only way the Commission could be assured of making deposits

of source materials available for development and mining by private industry would be through the exercise of the leasing power. The Commission's existing power to issue leases is legally founded upon the reservation now set forth in section 5 (b) (7) of the Atomic Energy Act. Hence, if the reservation is deleted as proposed, it will be necessary to add an explicit authorization to the Commission to issue leases for source materials with respect to lands belonging to the United States.

3. Since the reservation would be deleted for the future and since, where it exists, it is productive of uncertainty rather than advantageous to the Government, it is believed desirable to authorize the heads of agencies who have issued conveyances subject to the reservation to release the present holders of the land from the reservation. As indicated above this would put to rest any lingering doubts about validity of the claims in question without sacrifice of any substantial interest by the Government.

▶ The pressure of time has prevented us from submitting this report to the Bureau of the Budget.

Sincerely yours,

LEWIS L. STRAUSS, *Chairman.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., May 14, 1954.

HON. HUGH BUTLER,
*Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.*

MY DEAR SENATOR BUTLER: This is in reply to the request of your committee for a report on S. 3344, a bill to amend the mineral leasing laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes.

I recommend the enactment of this bill.

The United States mining laws provide for the location of mining claims on public lands containing valuable mineral deposits (30 U. S. C., sec. 22 et seq.). After February 25, 1920, deposits of coal, phosphate, sodium, potassium, oil, oil shale, or gas became subject to disposition under the mineral leasing laws (30 U. S. C., sec. 181 et seq.). Section 37 of the 1920 act provided that, except as to valid claims then existing, such deposits could be disposed of only under the mineral leasing laws (30 U. S. C., sec. 193). Lands which were known to be valuable for minerals subject to the leasing laws or which were included in leases, permits, or applications or offers therefor could no longer be acquired under the mining laws.

To permit multiple development of lands in these latter categories, Congress passed the act of August 12, 1953 (67 Stat. 539) which, under certain conditions, validated mining claims located on such lands after July 31, 1939, but not later than December 31, 1952. S. 3344 would make some revisions in the terms of the 1953 act, but, in general, holders of such mining claims located after December 31, 1952, and prior to February 10, 1954, would be given the same benefits as those located prior to January 1, 1953, and these benefits would apply to a mining location which is made after the enactment of S. 3344.

The first three sections of S. 3344 provide for the validation of mining claims located subsequent to July 31, 1939, and prior to February 10, 1954, together with provisions for the conversion, at the election of the owners thereof, of uranium leases issued by the Atomic Energy Commission and applications for such uranium leases.

Sections 4 through 8 are provisions of general application modifying the mineral leasing laws and the mining laws in certain significant respects in the interests of encouraging multiple mineral development on mining claims and lands previously subject to mineral development only under the mineral leasing laws.

Section 9 would revise section 5 (b) (7) of the Atomic Energy Act of 1946 (42 U. S. C., sec. 1805) and section 3 of the act of August 12, 1953, *supra*, to remove any doubts that mining claims have been and may be validly located for valuable deposits of fissionable source materials. This provision appears to be of utmost importance to the maintenance of an adequate supply of fissionable source materials. However, this Department defers to the views of the Atomic Energy Commission with respect to the specific language proposed.

The following section-by-section discussion is limited to the important additions to or changes in the provisions of existing law (including the act of August 12, 1953, *supra*).

The provision in section 1 of the bill calling for posting and recording of amended notices of location is patterned after the 1953 act. However, if the claimant previously has filed a lease application or obtained a lease under Domestic Uranium Program Circular 7 of the Atomic Energy Commission for the same land, he would be required to file with the Commission a withdrawal of any such application or a release of any such lease and to record a notice of his withdrawal or release in the office where his notice of mining location shall have been filed. This provision seems very desirable, since it should tend to clarify the record title where both uranium leases and mining claims would otherwise cover the same land.

Section 2 deals with possible conflicts which may arise between mining claimants. The first possible conflict dealt with is that between (a) mining claims located prior to January 1, 1953, and (b) claims located after December 31, 1952, but prior to February 10, 1954. The second possible conflict mentioned is between (c) claims located prior to February 10, 1954, and (d) claims located after the date of enactment of these bills. In the case of the first possible conflict, claims in category (b) are to be presumed as located December 11, 1953, which is the day following the last date for recording category (a) mining claims under the 1953 act. In the case of the second possible conflict, claims in category (d) are to be presumed as located 121 days after enactment of the bill, that is, the day following the last date for recording category (c) mining claims.

Section 3 gives the holder of any pending uranium lease application or of a uranium lease a preference right to locate a mining claim within 120 days after the enactment date as against claimants attempting to locate a claim after the date of enactment. Provision is made for priorities among conflicting claimants to this preference right.

Under section 4 of the bill all mining claims and millsites located after enactment would be subject to a reservation to the United States of leasing act minerals. All claims validated by the bill would also be subject to such a reservation.

Section 5 expressly provides for the location, after enactment, of mining claims on lands valuable for leasable minerals, or included in a mineral lease or permit, or an application or offer for a mineral lease or permit.

Section 6 of the bill would set up legal standards for leasing act and mining operations on the same lands. Each type of operation generally would be required to be conducted so as not to endanger or materially interfere with any existing surface or underground improvements, workings, or facilities made for the other type of operation, or with the utilization of such improvement, workings, or facilities. An exception is provided permitting such injury or damage if a court of competent jurisdiction finds that the refusal to permit the injury or damage would cause greater damage than that which would result to the existing improvements, workings, or facilities, or from interference with the utilization thereof, if the use were allowed. However, fair compensation would be required. Provision is also made for interchange of information and reasonable access to each other's facilities, workings, and improvements.

Section 7 authorizes publication of notice of any leasing act permit, lease, or application or offer for such permit or lease. The mining claimant may file a claim to minerals subject to the mineral leasing laws by reason of his mining location. If he does not file his claim within 150 days after the date of first publication of the notice, any claim or right to these minerals by the locator will be deemed to be relinquished. If a claim is asserted, this Department would hold hearings to determine the right of the claimant to the minerals. This provision would delay somewhat the issuance of mineral leases and permits, but would furnish the mineral lessee or permittee with some security of title with respect to outstanding claims to the land he wishes to explore or develop. The publication provisions are comparable to those applicable to contests of applications for mineral patents under the mining laws.

A typographical error on page 8, line 6, of the bill may be corrected by striking out the word "law" and inserting in lieu thereof the word "laws." This Department strongly supports this bill since it would encourage fuller mineral development of the public lands.

Since I am informed that there is a particular urgency for the submission of the views of the Department, this report has not been cleared through the Bureau of the Budget and, therefore, no commitment can be made concerning the relationship of the views expressed herein to the program of the President.

Sincerely yours,

ORME LEWIS,
Assistant Secretary of the Interior.

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON ATOMIC ENERGY,
May 28, 1954.

HON. HUGH BUTLER,
*Chairman, Committee on Interior and Insular Affairs,
United States Senate, Washington, D. C.*

DEAR SENATOR BUTLER: We have received the request of May 24 from Mr. Stewart French, your committee counsel, soliciting the views of this committee on S. 3344, a bill to amend the mineral leasing laws to provide for multiple mineral developments of the public lands with particular reference to section 9 of the bill which provides for certain changes in the Atomic Energy Act.

As you know, this committee is in the process of making major revisions in the Atomic Energy Act of 1946, through bills H. R. 8862 and S. 3323. Since these bills were introduced, the committee has held extensive hearings and has put through a clean print, a copy of which is enclosed for your information.

This committee has also examined the report of the Atomic Energy Commission on S. 3344. We find that the position taken by the Commission is in line with the position presently set forth in H. R. 8862 and S. 3323. If you will refer to the clean print of the joint committee bill, you will note:

Section 66, dealing with the power of the Commission to acquire supplies of source materials, has been merged with the section on exploration, and then expanded in order to permit the Commission to condemn the right to enter upon real property deemed by the Commission to have possibilities of containing deposits of source material in order to conduct prospecting and exploratory operations for such deposits. Section 66 further permits the payment of just compensation for any interest taken in land, as is suggested to your committee by the Commission.

Section 67 is new and gives the Commission permission to issue leases of public lands. While there is some question as to the necessity of such a provision in view of the other extensive powers given to the Commission, the provision has been incorporated into the present proposal.

Section 68 contains some of the provisions of former section 67. By deleting the provisions of the original act, which contained reservations in favor of the United States with respect to the locations of source materials on public lands deeded to others, it was hoped that prospecting for source materials would be encouraged. In view of the deletion of this reservation, appropriate language was inserted in the section which would permit patentees to get new patents without any reservations. The language for this purpose is slightly different in the proposed bill than in the Commission proposals. Where the earlier language requiring the reservation provided that "the Secretary of the Interior shall cause to be inserted in every patent, conveyance, lease, permit, or other authorization, hereafter granted to use the public lands or their mineral resources * * *", the language of section 68 was drafted to provide a parallel instruction to order the issuance of new patents without the reservations. The Commission proposal would require any head of a department or an agency to issue a new or supplemental patent without such reservation. It is believed that the committee language more closely parallels the former language of the Atomic Energy Act. In addition, one new sentence has been added to section 68 requiring that any new patent shall be subject to any rights heretofore issued by the United States; then the new patent shall be subject to those rights, but the patentee shall be subrogated to the rights of the United States.

It will be noted that proposed section 68 deletes the unfair advantage clause in the statute. While this clause was originally drawn to be applicable to the Manhattan Engineer District, and hence is now 8 years old, it appears to have been construed to apply to present Commission activities. Therefore, it probably will be reworded to bring it up to date and reinstated in section 68.

One very minor technical point should be mentioned in passing. It is suggested that the provisions of S. 3344 be reworded so that the phrase "fissionable source material" becomes "source material" throughout, and the clause in lines 17 through 20 of page 21 of the committee print would then read: "'source material' shall mean uranium, thorium, and all other materials defined in section 5 (b) (1) of the Atomic Energy Act to be source materials;"

We would, in turn, appreciate having the views of your committee on the clean print of H. R. 8862 and S. 3323 relating to source materials.

Sincerely yours,

STERLING COLE, *Chairman.*

CHANGES IN EXISTING LAW

In compliance with the Cordon rule (subsec. (4) of rule XXIX of the Standing Rules of the Senate), changes in existing law made by the bill S. 3344, as reported, are shown as follows (existing law proposed to be repealed is enclosed in black brackets, additions to existing law are italicized):

THE ATOMIC ENERGY ACT OF 1946 (PUBLIC LAW 585, 79TH CONG. 2D SESS.; 60 STAT. 755)

CONTROL OF MATERIALS

SEC. 5. (b) SOURCE MATERIALS.—

(1) DEFINITION.—As used in this Act, the term "source material" means uranium, thorium, or any other material which is determined by the Commission, with the approval of the President, to be peculiarly essential to the production of fissionable materials; but includes ores only if they contain one or more of the foregoing materials in such concentration as the Commission may by regulation determine from time to time.

(2) LICENSE FOR TRANSFERS REQUIRED.—Unless authorized by a license issued by the Commission, no person may transfer or deliver, receive possession of or title to, or export from the United States any source material after removal from its place of deposit in nature, except that licenses shall not be required for quantities of source materials which, in the opinion of the Commission, are unimportant.

(3) ISSUANCE OF LICENSES.—The Commission shall establish such standards for the issuance, refusal, or revocation of licenses as it may deem necessary to assure adequate source materials for production, research, or development activities pursuant to this Act or to prevent the use of such materials in a manner inconsistent with the national welfare. Licenses shall be issued in accordance with such procedures as the Commission may by regulation establish.

(4) REPORTING.—The Commission is authorized to issue such regulations or orders requiring reports of ownership, possession, extraction, refining, shipment, or other handling of source materials as it may deem necessary, except that such reports shall not be required with respect to (A) any source material prior to removal from its place of deposit in nature, or (B) quantities of source materials which in the opinion of the Commission are unimportant or the reporting of which will discourage independent prospecting for new deposits.

[(5) ACQUISITION.—The Commission is authorized and directed to purchase, take, requisition, condemn, or otherwise acquire, supplies of source materials or any interest in real property containing deposits of source materials to the extent it deems necessary to effectuate the provisions of this Act. Any purchase made under this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and partial and advance payments may be made thereunder. The Commission may establish guaranteed prices for all source materials delivered to it within a specified time. Just compensation shall be made for any property taken, requisitioned, or condemned under this paragraph.]

(5) ACQUISITION.—The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this Act, to purchase, take, requisition, condemn, or otherwise acquire—

"(A) supplies of source materials or any interest in real property containing deposits of source materials; and

"(B) rights to enter upon any real property deemed by it to have possibilities of containing deposits of source materials and to conduct prospecting and exploratory operations for such deposits.

Any purchase made under this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and partial and advance payments may be made thereunder. The Commission may establish guaranteed prices for all source materials delivered to it within a specified time. Just compensation shall be made for any property or interest in property taken, requisitioned, or condemned under this paragraph.

[(6) EXPLORATION.—The Commission is authorized to conduct and enter into contracts for the conduct of exploratory operations, investigations, and inspection

tions to determine the location, extent, mode of occurrence, use, or conditions of deposits or supplies of source materials, making just compensation for any damage or injury occasioned thereby. Such exploratory operations may be conducted only with the consent of the owner, but such investigations and inspections may be conducted with or without such consent.】

(6) *OPERATIONS ON LANDS BELONGING TO THE UNITED STATES.*—*The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this Act, to issue leases or permits for prospecting for, exploration for, mining, or removal of deposits of source materials (or for any or all of these purposes) in lands belonging to the United States.*

【(7) *PUBLIC LANDS.*—All uranium, thorium, and all other materials determined pursuant to paragraph (1) of this subsection to be peculiarly essential to the production of fissionable material, contained, in whatever concentration, in deposits in the public lands are hereby reserved for the use of the United States subject to valid claims, rights, or privileges existing on the date of the enactment of this Act: *Provided, however,* That no individual, corporation, partnership, or association, which had any part, directly or indirectly, in the development of the atomic bomb project, may benefit by any location, entry, or settlement upon the public domain made after such individual, corporation, partnership, or association took part in such project, if such individual, corporation, partnership, or association, by reason of having had such part in the development of the atomic bomb project, acquired confidential official information as to the existence of deposits of such uranium, thorium, or other materials in the specific lands upon which such location, entry, or settlement is made, and subsequent to the date of the enactment of this Act made such location, entry, or settlement or caused the same to be made for his, its, or their benefit. The Secretary of the Interior shall cause to be inserted in every patent, conveyance, lease, permit, or other authorization hereafter granted to use the public lands or their mineral resources, under any of which there might result the extraction of any materials so reserved, a reservation to the United States of all such materials, whether or not of commercial value together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby. Any lands so patented, conveyed, leased, or otherwise disposed of may be used, and any rights under any such permit or authorization may be exercised as if no reservation of such materials had been made under this subsection; except that, when such use results in the extraction of any such material from the land in quantities which may not be transferred or delivered without a license under this subsection, such material shall be the property of the Commission and the Commission may require delivery of such material to it by any possessor thereof after such material has been separated as such from the ores in which it was contained. If the Commission requires the delivery of such material to it, it shall pay to the person mining or extracting the same, or to such other person as the Commission determines to be entitled thereto, such sums, including profits, as the Commission deems fair and reasonable for the discovery, mining, development, production, extraction, and other services performed with respect to such material prior to such delivery, but such payment shall not include any amount on account of the value of such material before removal from its place of deposit in nature. If the Commission does not require delivery of such material to it, the reservation made pursuant to this paragraph shall be of no further force or effect.】

(7) *PUBLIC LANDS.*—*No individual, corporation, partnership, or association, which had any part, directly or indirectly, in the development of the atomic bomb project, may benefit by any location, entry, or settlement upon the public domain made after such individual, corporation, partnership, or association took part in such project, if such individual, corporation, partnership, or association, by reason of having had such part in the development of the atomic bomb project, acquired confidential official information as to the existence of deposits of such uranium, thorium, or other materials in the specific lands upon which such location, entry, or settlement is made, and subsequent to the date of the enactment of this Act made such location, entry, or settlement or caused the same to be made for his, or its, or their benefit. In cases where any patent, conveyance, lease, permit, or other authorization has been issued, which reserved to the United States source materials and the right to enter upon the land and prospect for, mine, and remove the same, the head of the department or agency which issued the patent, conveyance, lease, permit, or other authorization shall, on application of the holder thereof, issue a new or supplemental patent, conveyance, lease, permit, or other authorization without such reservation.*

APPENDIX

(The act of August 12, 1953 [67 Stat. 539], to which reference is made in S. 3344, is set forth below.)

PUBLIC LAW 250, 83D CONGRESS, CHAPTER 405, 1ST SESSION, S. 1397

AN ACT Relating to mining claims located on land with respect to which a permit or lease has been issued, or an application or offer for permit or lease has been made, under the mineral leasing laws, or known to be valuable for minerals subject to disposition under the mineral leasing laws, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to the provisions of this Act and to any valid intervening rights acquired under laws of the United States, any mining claim located under the mining laws of the United States subsequent to July 31, 1939, and prior to January 1, 1953, on lands of the United States which were, at the time of such location—

- (1) included in a permit or lease issued under the mineral leasing laws; or
- (2) covered by an application or offer for a permit or lease which had been filed under the mineral leasing laws; or
- (3) known to be valuable for minerals subject to disposition under the mineral leasing laws;

shall be effective to the same extent as if such mining claim had been located on lands which were at the time of such location subject to location under the mining laws of the United States: *Provided, however,* That in order to obtain the benefits of this Act, the owner of any such mining claim shall, not later than one hundred and twenty days after the date of enactment of this Act, post on such claim in the manner required for posting notice of location of mining claims and file for record in the office where the notice or certificate of location of such claim is of record an amended notice of location of such claim, stating that such notice is filed pursuant to the provisions of this Act and for the purpose of obtaining the benefits thereof.

(b) Labor performed or improvements made upon or for the benefit of such mining claims after the original location thereof shall be recognized as applicable thereto for all purposes to the same extent as labor performed and improvements made upon or for the benefit of mining claims which are not affected by this Act.

(c) Any withdrawal or reservation made after the original location of such mining claim affecting land covered by such mining claim is hereby modified and amended so that the effect thereof upon such mining claim shall be the same as if such mining claim had been located upon lands of the United States, which, subsequent to July 31, 1939, and prior to the date of such withdrawal, were subject to location under the mining laws of the United States.

SEC. 2. Any mining claim given force and effect as provided in section 1 of this Act shall be subject to the reservation to the United States of all minerals which, upon the effective date of this Act, are provided in the mineral leasing laws to be disposed of thereunder, and the right of the United States, its lessees, permittees, and licensees, to enter upon the land covered by such mining claim to prospect for, mine, treat, store, and remove such minerals, and to use so much of the surface and subsurface of such mining claim as may be necessary for such purposes, and to enter upon such land whenever reasonably necessary for the purpose of prospecting for, mining, treating, storing, and removing such minerals on and from other lands of the United States; and any patent issued for any such mining claim shall contain such reservation.

SEC. 3. The rights under any mining claim given force and effect by this Act shall also be subject to the reservation to the United States specified in section 5 (b) (7) of the Atomic Energy Act of 1946, as amended, and, in addition, any reservation or reservations required by any other provision or provisions of law; and any patent issued for such mining claim shall contain such reservations.

SEC. 4. Except as this Act provides for (a) validation of certain mining claims located on lands described in section 1 of this Act, and (b) the modification and amendment of certain withdrawals or reservations of land, nothing in this Act shall affect any power or authority duly vested in the Atomic Energy Commission or any other agency, department, or officer of the United States to make leases, withdrawals, reservations, or other arrangements with respect to source materials as defined in section 5 (b) (1) of the Atomic Energy Act of 1946, as amended.

SEC. 5. As used in this Act "mineral leasing laws" shall mean the Act of October 20, 1914 (38 Stat. 741); the Act of February 25, 1920 (41 Stat. 437); the Act of April 17, 1926 (44 Stat. 301); the Act of February 7, 1927 (44 Stat. 1057) and all Acts heretofore or hereafter enacted which are amendatory of or supplementary to any of the foregoing Acts.

Approved August 12, 1953.

S. 3344

[Report No. 1610]

IN THE SENATE OF THE UNITED STATES

APRIL 26 (legislative day, APRIL 14), 1954

Mr. MILLIKIN (for himself, Mr. JOHNSON of Colorado, Mr. BENNETT, Mr. CASE, Mr. MUNDT, Mr. WATKINS, Mr. KUCHEL, Mr. BARRETT, Mr. HUNT, and Mr. ANDERSON) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

JUNE 16 (legislative day, JUNE 11), 1954

Reported by Mr. BARRETT, with amendments

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend the mineral leasing laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, (a) subject to the conditions and provisions of this
4 Act and to any valid intervening rights acquired under the
5 laws of the United States, any mining claim located under
6 the mining laws of the United States subsequent to July 31,
7 1939, and prior to February 10, 1954, on lands of the
8 United States, which at the time of location were—

9 (1) included in a permit or lease issued under the
10 mineral leasing laws; or

1 (2) covered by an application or offer for a permit
2 or lease which had been filed under the mineral leasing
3 laws; or

4 (3) known to be valuable for minerals subject to
5 disposition under the mineral leasing laws,
6 shall be effective to the same extent in all respects as if
7 such lands at the time of location, and at all times there-
8 after, had not been so included or covered or known: *Pro-*
9 *vided, however,* That, in order to be entitled to the benefits
10 of this Act, the owner of any such mining claim located
11 prior to January 1, 1953, must have posted and filed for
12 record, within the time allowed by the provisions of the
13 Act of August 12, 1953 (67 Stat. 539), an amended notice
14 of location as to such mining claim, stating that such notice
15 was filed pursuant to the provisions of said Act of August
16 12, 1953, and for the purpose of obtaining the benefits
17 thereof: *And provided further,* That, in order to obtain the
18 benefits of this Act, the owner of any such mining claim
19 located subsequent to December 31, 1952, and prior to
20 February 10, 1954, not later than one hundred and twenty
21 days after the date of enactment of this Act, must post on
22 such claim in the manner required for posting notice of
23 location of mining claims and file for record in the office
24 where the notice or certificate of location of such claim
25 is of record an amended notice of location for such claim,

1 stating that such notice is filed pursuant to the provisions of
2 this Act and for the purpose of obtaining the benefits thereof
3 and, within said one hundred and twenty day period, if such
4 owner shall have filed a uranium lease application as to the
5 tract covered by such mining claim, must file with the
6 Atomic Energy Commission a withdrawal of such uranium
7 lease application or, if a uranium lease shall have issued
8 pursuant thereto, a release of such lease, and must record
9 a notice of the filing of such withdrawal or release in the
10 county office wherein such notice or certificate of location
11 shall have been filed for record.

12 (b) Labor performed or improvements made after the
13 original location of and upon or for the benefit of any mining
14 claim which shall be entitled to the benefits of this Act under
15 the provisions of subsection (a) of this section 1, shall be
16 recognized as applicable to such mining claim for all purposes
17 to the same extent as if the validity of such mining claim
18 were in no respect dependent upon the provisions of this Act.

19 (c) As to any land covered by any mining claim which
20 is entitled to the benefits of this Act under the provisions of
21 subsection (a) of this section 1, any withdrawal or reserva-
22 tion of lands made after the original location of such mining
23 claim is hereby modified and amended so that the effect
24 thereof upon such mining claim shall be the same as if such
25 mining claim had been located upon lands of the United

1 States which, subsequent to July 31, 1939, and prior to the
2 date of such withdrawal or reservation, were subject to
3 location under the mining laws of the United States.

4 SEC. 2. (a) If any mining claim which shall have been
5 located subsequent to December 31, 1952, and prior to
6 ~~February 10, 1954~~ *December 11, 1953*, and which shall be
7 entitled to the benefits of this Act, shall cover any lands em-
8 braced within any mining claim which shall have been lo-
9 cated prior to January 1, 1953, and which shall be entitled
10 to the benefits of this Act, then as to such area of conflict said
11 mining claim so located subsequent to December 31, 1952,
12 shall be deemed to have been located December 11, 1953.

13 (b) If any mining claim hereafter located shall cover
14 any lands embraced within any mining claim which shall
15 have been located prior to February 10, 1954, and which
16 shall be entitled to the benefits of this Act, then as to such
17 area of conflict said mining claim hereafter located shall be
18 deemed to have been located one hundred and twenty-one
19 days after the date of the enactment of this Act.

20 SEC. 3. (a) Subject to the conditions and provisions of
21 this Act and to any valid prior rights acquired under the
22 laws of the United States, the owner of any pending uranium
23 lease application or of any uranium lease shall have, for a
24 period of one hundred and twenty days after the date of
25 enactment of this Act, as limited in subsection (b) of this

1 section 3, the right to locate mining claims upon the lands
2 covered by said application or lease.

3 (b) Any rights under any such mining claim so here-
4 after located pursuant to the provisions of subsection (a)
5 of this section 3 shall be subject to any rights of the owner
6 of any mining claim which was located prior to February
7 10, 1954, and which was valid at the date of the en
8 actment of this Act or which may acquire validity under
9 the provisions of this Act. As to any lands covered by a
10 uranium lease and also by a pending uranium lease appli-
11 cation, the right of mining location under this section 3,
12 as between the owner of said lease and the owner of said
13 application, shall be deemed as to such conflict area to
14 be vested in the owner of said lease. As to any lands
15 embraced in more than one such pending uranium lease
16 application, such right of mining location, as between the
17 owners of such conflicting applications, shall be deemed
18 to be vested in the owner of the prior application. Priority
19 of such an application shall be determined by the time of
20 posting on a tract *then available for such leasing* of a notice
21 of lease application in accordance with paragraph (c) of the
22 Atomic Energy Commission's Domestic Uranium Program
23 Circular 7 (10 C. F. R. 60.7 (c)) provided there shall have
24 been timely compliance with the other provisions of said
25 paragraph (c) or, if there shall not have been such timely

1 compliance, then by the time of the filing of the uranium
2 lease application with the Atomic Energy Commission. Any
3 rights under any mining claim located under the provisions of
4 this section 3 shall terminate at the expiration of thirty days
5 after the filing for record of the notice or certificate of
6 location of such mining claim unless, within said thirty-
7 day period, the owner of the uranium lease application
8 or uranium lease upon which the location of such mining
9 claim was predicated shall have filed with the Atomic
10 Energy Commission a withdrawal of said application or
11 a release of said lease and shall have recorded a notice
12 of the filing of such withdrawal or release in the county
13 office wherein such notice or certificate of location shall
14 be of record.

15 (c) Except as otherwise provided in subsections (a)
16 and (b) of this section 3, no mining claim hereafter located
17 shall be valid as to any lands which at the time of such loca-
18 tion were covered by a uranium lease application or a
19 uranium lease. Any tract upon which a notice of lease
20 application has been posted in accordance with said
21 paragraph (c) of said Circular 7 shall be deemed to have been
22 included in a uranium lease application from and after the
23 time of the posting of such notice of lease application: *Pro-*

1 *vided*, That there shall have been timely compliance with
2 the other provisions of said paragraph (c) or, if there shall
3 not have been such timely compliance, then from and after
4 the time of the filing of a uranium lease application with the
5 Atomic Energy Commission.

6 SEC. 4. Every mining claim or millsite hereafter located
7 under the mining laws of the United States and every min-
8 ing claim or millsite heretofore so located which shall be
9 entitled to benefits under the first three sections of this Act
10 shall be subject to a reservation to the United States of all
11 Leasing Act minerals and of the right (as limited in section 6
12 hereof) of the United States, its lessees, permittees, and
13 licensees to enter upon the land covered by such mining
14 claim or millsite and to prospect for, drill for, mine, treat,
15 store, transport, and remove Leasing Act minerals and to
16 use so much of the surface and subsurface of such mining
17 claim or millsite as may be necessary for such purposes, and
18 whenever reasonably necessary, for the purpose of pros-
19 pecting for, drilling for, mining, treating, storing, transport-
20 ing, and removing Leasing Act minerals on and from other
21 lands; and any patent issued for any such mining claim or
22 millsite shall contain such reservation.

23 SEC. 5. Subject to the conditions and provisions of this

1 Act, mining claims and millsites may hereafter be located
2 under the mining laws of the United States on lands of the
3 United States which at the time of location are—

4 (a) included in a permit or lease issued under the
5 mineral leasing laws; or

6 (b) covered by an application or offer for a permit
7 or lease filed under the mineral leasing ~~law~~ laws; or

8 (c) known to be valuable for minerals subject to
9 disposition under the mineral leasing laws;
10 to the same extent in all respects as if such lands were not
11 so included or covered or known.

12 SEC. 6. (a) Where the same lands are being utilized for
13 mining operations and Leasing Act operations, each of such
14 operations shall be conducted, so far as reasonably practi-
15 cable, in a manner compatible with such multiple use.

16 (b) Any mining operations pursuant to rights under any
17 unpatented or patented mining claim or millsite which shall
18 be subject to a reservation to the United States of Leasing Act
19 minerals as provided in this Act, shall be conducted, so far
20 as reasonably practicable, in a manner which will avoid
21 damage to any known deposit of any Leasing Act mineral.
22 Subject to the provisions of subsection (d) of this section 6,
23 mining operations shall be so conducted as not to endanger
24 or materially interfere with any existing surface or under-
25 ground improvements, workings, or facilities which may have

1 been made for the purpose of Leasing Act operations, or
2 with the utilization of such improvements, workings, or
3 facilities.

4 (c) Any Leasing Act operations on lands covered by an
5 unpatented or patented mining claim or millsite which shall
6 be subject to a reservation to the United States of Leasing
7 Act minerals as provided in this Act, shall be conducted, so
8 far as reasonably practicable, in a manner which will avoid
9 damage to any known deposit of any mineral not so reserved
10 from such mining claim or millsite. Subject to the provi-
11 sions of subsection (d) of this section 6, Leasing Act opera-
12 tions shall be so conducted as not to endanger or materially
13 interfere with any existing surface or underground improve-
14 ments, workings, or facilities which may have been made
15 for the purpose of mining operations, or with the utilization
16 of such improvements, workings, or facilities.

17 (d) If, upon petition of either the mining operator or
18 the Leasing Act operator, any court of competent jurisdic-
19 tion shall find that a particular use in connection with one of
20 such operations cannot be reasonably and properly conducted
21 without endangering or materially interfering with the then
22 existing improvements, workings, or facilities of the other of
23 such operations or with the utilization thereof, and shall find
24 that under the conditions and circumstances, as they then

1 appear, the injury or damage which would result from denial
2 of such particular use would outweigh the injury or damage
3 which would result to such then existing improvements, work-
4 ings, or facilities or from interference with the utilization
5 thereof if that particular use were allowed, then and in such
6 event such court may permit such use upon payment (or
7 upon furnishing of security determined by the court to be
8 adequate to secure payment) to the party or parties who
9 would be thus injured or damaged, of an amount to be fixed
10 by the court as constituting fair compensation for the then
11 reasonably contemplated injury or damage which would re-
12 sult to such then existing improvements, workings, or facili-
13 ties or from interference with the utilization thereof by reason
14 of the allowance of such particular use.

15 (e) Where the same lands are being utilized for mining
16 operations and Leasing Act operations, then upon request of
17 the party conducting either of said operations, the party
18 conducting the other of said operations shall furnish to and
19 at the expense of such requesting party copies of any infor-
20 mation which said other party may have, as to the situs of
21 any improvements, workings, or facilities theretofore made
22 upon such lands, and upon like request, shall permit such
23 requesting party, at the risk of such requesting party, to
24 have access at reasonable times to any such improvements,
25 workings, or facilities for the purpose of surveying and check-

ing or determining the situs thereof. If damage to or material interference with a party's improvements, workings, facilities, or with the utilization thereof shall result from such party's failure, after request, to so furnish to the requesting party such information or from denial of such access, such failure or denial shall relieve the requesting party of any liability for the damage or interference resulting by reason of such failure or denial. Failure of a party to furnish requested information or access shall not impose upon such party any liability to the requesting party other than for such costs of court and attorney's fees as may be allowed to the requesting party in enforcing by court action the obligations of this section as to the furnishing of information and access. The obligation hereunder of any party to furnish requested information shall be limited to map and survey information then available to such party with respect to the situs of improvements, workings, and facilities and the furnishing thereof shall not be deemed to constitute any representation as to the accuracy of such information.

SEC. 7. (a) Any applicant, offeror, permittee, or lessee under the mineral leasing laws may file in the office of the Secretary of the Interior, or in such office as ~~he~~ *the Secretary* may designate, a request for publication of notice of such application, offer, permit, or lease, *provided expressly, that not less than ninety days prior to the filing of such request for pub-*

1 *lication there shall have been filed for record in the county Of-*
2 *fice of Record for the county in which the lands covered thereby*
3 *are situate a notice of the filing of such application or offer*
4 *or of the issuance of such permit or lease which notice shall*
5 *set forth the date of such filing or issuance, the name and*
6 *address of the applicant, offeror, permittee or lessee and the*
7 *description of the lands covered by such application, offer,*
8 *permit or lease. The filing of such request for publication*
9 *shall be accompanied by a certified copy of such recorded*
10 *notice and an affidavit or affidavits of a person or persons over*
11 *twenty-one years of age setting forth that the affiant or affiants*
12 *have examined the lands involved in a reasonable effort to*
13 *ascertain whether any person or persons were in actual pos-*
14 *session of or engaged in the working of such lands or any part*
15 *thereof, and, if no person or persons were found to be in actual*
16 *possession of or engaged in the working of said lands or any*
17 *part thereof on the date of such examination, setting forth*
18 *such fact, or, if any person or persons were so found to be in*
19 *actual possession or engaged in such working on the date of*
20 *such examination, setting forth the name and address of each*
21 *such person, unless affiant shall have been unable through*
22 *reasonable inquiry to obtain information as to the name and*
23 *address of any such person, in which event the affidavit shall*
24 *set forth fully the nature and results of such inquiry.*

25 *The filing of such request for publication shall also be ac-*

1 *accompanied by the certificate of a title or abstract company, or of*
2 *a title abstractor, or of an attorney, based upon such com-*
3 *pany's, abstractor's, or attorney's examination of the instru-*
4 *ments affecting the lands involved, of record in the public*
5 *records of the county in which said lands are situate as shown*
6 *by the indices of the public records in the county office of*
7 *record for said county, setting forth the name of any person*
8 *disclosed by said instruments to have an interest in said lands*
9 *under any unpatented mining claim heretofore located, to-*
10 *gether with the address of such person if disclosed by such*
11 *instruments of record.*

12 Thereupon the Secretary of the Interior, or his desig-
13 nated representative, at the expense of the requesting per-
14 son (who, prior to the commencement of publication, must
15 furnish the agreement of the publisher to hold such re-
16 questing person alone responsible for charges of publi-
17 cation), shall cause notice of such application, offer, per-
18 mit, or lease to be published in a newspaper having general
19 circulation in the county in which the lands involved are
20 situate.

21 Such notice shall describe the lands covered by such
22 application, offer, permit, or lease and shall notify whom-
23 ever it may concern that if any person claiming or assert-
24 ing under, or by virtue of, any unpatented mining claim

1 *heretofore located*, any right or interest in Leasing Act
2 minerals as to such lands or any part thereof, shall fail to file
3 in the office where such request for publication was filed
4 (which office shall be specified in such notice) and within
5 one hundred fifty days from the date of the first publication
6 of such notice, a verified statement which shall set forth,
7 as to such unpatented mining claim:

8 (1) The date of location;

9 (2) The book and page of recordation of the notice
10 or certificate of location;

11 (3) The section or sections of the public land sur-
12 veys which embrace such mining claim; or if such lands
13 are unsurveyed, either the section or sections which
14 would probably embrace such mining claim when the
15 public land surveys are extended to such lands or a
16 tie by courses and distances to an approved United
17 States mineral monument;

18 (4) Whether such claimant is a locator or pur-
19 chaser under such location; and

20 (5) The name and address of such claimant and
21 names and addresses so far as known to the claimant
22 of any other person or persons claiming any interest
23 or interests in or under such unpatented mining claim;
24 such failure shall be conclusively deemed (i) to constitute a
25 waiver and relinquishment by such mining claimant of any

1 and all right, title, and interest under such mining claim as to,
2 but only as to, Leasing Act minerals, and (ii) to constitute a
3 consent by such mining claimant that such mining claim and
4 any patent issued therefor, shall be subject to the reservation
5 specified in section 4 of this Act, and (iii) to preclude there-
6 after any assertion by such mining claimant of any right or
7 title to or interest in any Leasing Act mineral by reason of
8 such mining claim.

9 If such notice is published in a daily paper, it shall be
10 published in the Wednesday issue for nine consecutive weeks,
11 or, if in a weekly paper, in nine consecutive issues, or, if in a
12 semiweekly or triweekly paper, in the issue of the same day
13 of each week for nine consecutive weeks.

14 Within fifteen days after the date of first publication of
15 such notice, the person requesting such publication (1) shall
16 cause a copy of such notice to be personally delivered to or
17 to be ~~sent~~ *mailed* by registered mail addressed to each person
18 in possession or engaged in the working of the land whose
19 name and address is shown by an affidavit filed as aforesaid,
20 and to each person who may have filed, as to any lands de-
21 scribed in said notice, a request for notices, as provided in
22 subsection (d) of this section 7, *and shall cause a copy of*
23 *such notice to be mailed by registered mail to each person*
24 *whose name and address is set forth in the title or abstract*
25 *company's or title abstractor's or attorney's certificate filed as*

1 *aforesaid, as having an interest in the lands described in said*
2 *notice under any unpatented mining claim heretofore located,*
3 *such notice to be directed to such person's address as set forth*
4 *in such certificate; and (2) shall file in the office where said*
5 *request for publication was filed an affidavit showing that*
6 *copies have been so delivered or mailed.*

7 (b) If any claimant under any unpatented mining claim
8 *heretofore located* which embraces any of the lands described
9 in any notice published in accordance with the provisions of
10 subsection (a) of this section 7 shall fail to file a verified
11 statement, as above provided, within one hundred and fifty
12 days from the date of the first publication of such notice, such
13 failure shall be conclusively deemed, except as otherwise pro-
14 vided in subsection (e) of this section 7, (i) to constitute a
15 waiver and relinquishment by such mining claimant of any
16 and all right, title, and interest under such mining claim as to,
17 but only as to, Leasing Act minerals, and (ii) to constitute
18 a consent by such mining claimant that such mining claim
19 and any patent issued therefor, shall be subject to the reser-
20 vation specified in section 4 of this Act, and (iii) to pre-
21 clude thereafter any assertion by such mining claimant of
22 any right or title to or interest in any Leasing Act mineral
23 by reason of such mining claim.

24 (c) If any verified statement shall be filed by a mining
25 claimant as provided in subsection (a) of this section 7, then

1 the Secretary of the Interior or his designated representative
2 shall fix a time and place for a hearing to determine the
3 validity and effectiveness of the mining claimant's asserted
4 right or interest in Leasing Act minerals. The procedures
5 with respect to notice of such a hearing and the conduct
6 thereof, and in respect to appeals shall follow the then estab-
7 lished general procedures and rules of practice of the Depart-
8 ment of the Interior in respect to contests or protests affect-
9 ing public lands of the United States. If at any time prior
10 to a hearing the person requesting publication of notice and
11 any person filing a verified statement pursuant to such notice
12 shall so stipulate, then to the extent so stipulated, but only
13 to such extent, no hearing shall be held with respect to
14 rights asserted under that verified statement, and to the
15 extent defined by the stipulation the rights asserted under
16 that verified statement shall be deemed to be unaffected by
17 that particular published notice.

18 (d) Any person claiming any right in Leasing Act min-
19 erals under or by virtue of any unpatented mining claim *here-*
20 *tofore located* and desiring to receive a copy of any notice of
21 any application, offer, permit, or lease which may be pub-
22 lished as above provided in subsection (a) of this section 7,
23 and which may affect lands embraced in such mining claim,
24 may cause to be filed for record in the county office of record
25 where the notice or certificate of location of such mining

1 claim shall have been recorded, a duly acknowledged request
2 for a copy of any such notice. Such request for copies shall
3 set forth the name and address of the person requesting copies
4 and shall also set forth, as to each mining claim under which
5 such person asserts rights in Leasing Act minerals:

6 (1) the date of location;

7 (2) the book and page of the recordation of the
8 notice or certificate of location; and

9 (3) the section or sections of the public land sur-
10 veys which embrace such mining claim; or if such lands
11 are unsurveyed, either the section or sections which
12 would probably embrace such mining claim when the
13 public land surveys are extended to such lands or a
14 tie by courses and distances to an approved United States
15 mineral monument.

16 Other than in respect to the requirements of subsection (a)
17 of this section 7 as to personal delivery or mailing of copies
18 of notices and in respect to the provisions of subsection (e)
19 of this section 7, no such request for copies of published
20 notices and no statement or allegation in such request and
21 no recordation thereof shall affect title to any mining claim
22 or to any land, or be deemed to constitute constructive notice
23 to any person that the person requesting copies has, or
24 claims, any right, title, or interest in or under any mining
25 claim referred to in such request.

1 (e) If any applicant, offeror, permittee, or lessee shall
2 fail to comply with the requirements of subsection (a) of
3 this section 7 as to the personal delivery or mailing of a
4 copy of notice to any person, the publication of such notice
5 shall be deemed wholly ineffectual as to that person or as to
6 the rights asserted by that person and the failure of that
7 person to file a verified statement, as provided in such notice,
8 shall in no manner affect, diminish, prejudice or bar any
9 rights of that person.

10 SEC. 8. The owner or owners of any mining claim
11 heretofore located may, at any time prior to issuance of
12 patent therefor, waive and relinquish all rights thereunder to
13 Leasing Act minerals. The execution and acknowledgment
14 of such a waiver and relinquishment by such owner or
15 owners and the recordation thereof in the office where the
16 notice or certificate of location of such mining claim is of
17 record shall render such mining claim thereafter subject to
18 the reservation referred to in section 4 of this Act and any
19 patent issued therefor shall contain such a reservation, but
20 no such waiver or relinquishment shall be deemed in any
21 manner to constitute any concession as to the date of priority
22 of rights under said mining claim or as to the validity
23 thereof.

24 ~~SEC. 9. Notwithstanding the provisions of the Atomic~~
25 ~~Energy Act, and particularly section 5 (b) (7) thereof,~~

1 or the provisions of the Act of August 12, 1953 (67 Stat.
2 539), and particularly section 3 thereof, any mining claim,
3 whether heretofore or hereafter located under the mining
4 laws of the United States, for, or based upon a discovery of
5 a mineral deposit which is a fissionable source material and
6 which, except for the possible contrary construction of the
7 Atomic Energy Act, would have been or would be locatable
8 under such mining laws, shall be valid and effective in
9 all respects to the same extent as if said mineral deposit
10 were a locatable mineral deposit other than a fissionable
11 source material. Notwithstanding the provisions of said
12 section 5 (b) (7) of the Atomic Energy Act no mining
13 claim heretofore or hereafter located under the mining laws
14 of the United States shall be subject to, and no mineral
15 patent hereafter issued shall contain, a reservation to the
16 United States of fissionable source material, but the United
17 States, its agents or representatives, shall have the right at
18 any time to enter upon the land to prospect for, mine and
19 remove fissionable source material upon making just com-
20 pensation for any damage or injury occasioned thereby:
21 *Provided*, That no such right of entry shall be exercised
22 unless the Atomic Energy Commission shall have determined
23 that the security needs of the United States require emer-
24 gency production of fissionable source materials: *Provided*
25 *further*, That the amounts to be paid to the owners of rights

1 under any such mining claim for any fissionable source
2 material so mined and removed by the United States, its
3 agents or representatives, shall be such amounts as the Com-
4 mission in its discretion deems to be fair and reasonable.

5 *SEC. 9. Notwithstanding any previous Act, regulation,*
6 *or decision, the reservation of minerals in lands withdrawn*
7 *from the public domain for mineral purposes by Executive*
8 *order, proclamation, or other administrative procedure shall*
9 *be applicable only to those minerals and for the purposes*
10 *expressed in said Executive order, proclamation, or other*
11 *administrative procedure. The Secretary of the Interior*
12 *shall retain the power and authority to dispose of other*
13 *leasable minerals in said lands by leasing procedures ap-*
14 *plicable to the public domain. This section shall become*
15 *effective April 1, 1955.*

16 *SEC. 10. The Atomic Energy Act is hereby amended as*
17 *follows:*

18 *(a) Section 5 (b) (5) is revised to read:*

19 *“(5) ACQUISITION.—The Commission is authorized, to*
20 *the extent it deems necessary to effectuate the provisions of this*
21 *Act, to purchase, take, requisition, condemn, or otherwise*
22 *acquire—*

23 *“(A) supplies of source materials or any interest in*
24 *real property containing deposits of source materials;*
25 *and*

1 “(B) rights to enter upon any real property deemed
2 by it to have possibilities of containing deposits of source
3 materials and to conduct prospecting and exploratory
4 operations for such deposits.

5 Any purchase made under this paragraph may be made
6 without regard to the provisions of section 3709 of the Re-
7 vised Statutes (U. S. C., title 41, sec. 5) upon certification
8 by the Commission that such action is necessary in the inter-
9 est of the common defense and security, or upon a showing
10 that advertising is not reasonably practicable, and partial and
11 advance payments may be made thereunder. The Commis-
12 sion may establish guaranteed prices for all source materials
13 delivered to it within a specified time. Just compensation
14 shall be made for any property or interest in property taken,
15 requisitioned, or condemned under this paragraph.”

16 (b) Section 5 (b) (6) is revised to read:

17 “(6) OPERATIONS ON LANDS BELONGING TO THE
18 UNITED STATES.—The Commission is authorized, to the
19 extent it deems necessary to effectuate the provisions of this
20 Act, to issue leases or permits for prospecting for, exploration
21 for, mining, or removal of deposits of source materials (or
22 for any or all of these purposes) in lands belonging to the
23 United States.”

24 (c) Section 5 (b) (7) is revised to read:

25 “(7) PUBLIC LANDS.—No individual, corporation,

1 partnership, or association, which had any part, directly or
 2 indirectly, in the developement of the atomic bomb project,
 3 may benefit by any location, entry, or settlement upon the
 4 public domain made after such individual, corporation,
 5 partnership, or association took part in such project, if such
 6 individual, corporation, partnership, or association, by rea-
 7 son of having had such part in the development of the atomic
 8 bomb project, acquired confidential official information as to
 9 the existence of deposits of such uranium, thorium, or other
 10 materials in the specific lands upon which such location,
 11 entry, or settlement is made, and subsequent to the date of
 12 the enactment of this Act made such location, entry, or settle-
 13 ment or cause the same to be made for his, or its, or their
 14 benefit. In cases where any patent, conveyance, lease, permit,
 15 or other authorization has been issued, which reserved to the
 16 United States source materials and the right to enter upon
 17 the land and prospect for, mine, and remove the same, the
 18 head of the department or agency which issued the patent,
 19 conveyance, lease, permit, or other authorization shall, on
 20 application of the holder thereof, issue a new or supplemental
 21 patent, conveyance, lease, permit, or other authorization
 22 without such reservation."

23 (d) Notwithstanding the provisions of the Atomic
 24 Energy Act, and particularly section 5 (b) (7.) thereof,
 25 prior to its amendment hereby, or the provisions of the Act

1 of August 12, 1953 (67 Stat. 539), and particularly sec-
2 tion 3 thereof, any mining claim, heretofore located under
3 the mining laws of the United States, for, or based upon a
4 discovery of a mineral deposit which is a fissionable source
5 material and which, except for the possible contrary construc-
6 tion of said Atomic Energy Act, would have been locatable
7 under such mining laws, shall, insofar as adversely affected
8 by such possible contrary construction, be valid and effective,
9 in all respects to the same extent as if said mineral deposit
10 were a locatable mineral deposit other than a fissionable
11 source material.

12 SEC. ~~10~~ 11. As used in this Act "mineral leasing laws"
13 shall mean the Act of October 20, 1914 (38 Stat. 741);
14 the Act of February 25, 1920 (41 Stat. 437); the Act
15 of April 17, 1926 (44 Stat. 301); the Act of February 7,
16 1927 (44 Stat. 1057); and all Acts heretofore or here-
17 after enacted which are amendatory of or supplementary
18 to any of the foregoing Acts; "Leasing Act minerals" shall
19 mean all minerals which, upon the effective date of this
20 Act, are provided in the mineral leasing laws to be disposed
21 of thereunder, "Leasing Act operations" shall mean opera-
22 tions conducted under a lease, permit, or license issued under
23 the mineral leasing laws in or incidental to prospecting for,
24 drilling for, mining, treating, storing, transporting, or re-
25 moving Leasing Act minerals; "mining operations" shall

1 mean operations under any unpatented or patented mining
2 claim or millsite in or incidental to prospecting for, mining,
3 treating, storing, transporting, or removing minerals other
4 than Leasing Act minerals and any other use under any
5 claim of right or title based upon such mining claim or
6 millsite; "Leasing Act operator" shall mean any party who
7 shall conduct Leasing Act operations; "mining operator" shall
8 mean any party who shall conduct mining operations;
9 "Atomic Energy Act" shall mean the Act of August 1,
10 1946 (60 Stat. 755), and all heretofore enacted Acts which
11 are amendatory of or supplementary to said Act *as amended*;
12 "Atomic Energy Commission" shall mean the United States
13 Atomic Energy Commission established under the Atomic
14 Energy Act or any amendments thereof; "fissionable source
15 material" shall mean uranium, thorium, and all other mate-
16 rials referred to in section 5 (b) ~~(7)~~ (1) of the Atomic
17 Energy Act as reserved or to be reserved to the United
18 States; ~~"uranium lease application"~~ shall mean an applica-
19 ~~tion for a uranium lease filed with said Commisison pursuant~~
20 ~~to the provisions of its Domestic Uranium Program Circular~~
21 ~~7 (10 C. F. R. 60.7); "uranium lease" shall mean a uranium~~
22 ~~mining lease issued by said Commission pursuant to the pro-~~
23 ~~visions of said Circular~~ "uranium lease application" shall
24 mean an application for a uranium lease filed with said
25 Commission with respect to lands which would be open for

1 entry under the mining laws except for their being lands em-
2 braced within an offer, application, permit, or lease under the
3 mineral leasing laws or lands known to be valuable for
4 minerals leasable under those laws; "uranium lease" shall
5 mean a uranium mining lease issued by said Commission
6 with respect to any such lands; and "person" shall mean any
7 individual, corporation, partnership, or other legal entity.

8 SEC. ~~11~~ 12. If any provision of this Act, or the applica-
9 tion of such provision to any person or circumstances, is
10 held unconstitutional, invalid, or unenforcible, the remain-
11 der of this Act or the application of such provision to per-
12 sons or circumstances other than those as to which it is held
13 unconstitutional, invalid, or unenforcible, shall not be
14 affected thereby.

Amend the title so as to read: "A bill to amend the mineral leasing laws and the mining laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes."

A BILL

To amend the mineral leasing laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes.

By Mr. MILLIKIN, Mr. JOHNSON of Colorado,
Mr. BENNETT, Mr. CASE, Mr. MUNDT, Mr.
WATKINS, Mr. KUHNEL, Mr. BARETT, Mr.
HUNT, and Mr. ANDERSON

APRIL 26 (legislative day, APRIL 14), 1954
Read twice and referred to the Committee on Interior
and Insular Affairs

JUNE 16 (legislative day, JUNE 11), 1954
Reported with amendments

therefor is filed within 1 year after such date, or from the date of claim, if claim therefor is filed more than 1 year after such date.

Mr. HENDRICKSON. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from the further consideration of House bill 8488 and that the House bill be passed in lieu of the Senate bill.

The PRESIDING OFFICER. Without objection, the Committee on Finance is discharged from the further consideration of House bill 8488. Is there objection to the present consideration of the House bill.

There being no objection, the bill (H. R. 8488) to restore eligibility of certain citizens or subjects of Germany or Japan to receive benefits under veterans' laws, was considered, ordered to a third reading, read the third time and passed.

The PRESIDING OFFICER. Without objection, Senate bill 3153 is indefinitely postponed.

BILL PASSED OVER

The bill (S. 3344) to amend the mineral leasing laws and the mining laws for multiple mineral development of the same tracts of the public lands, and for other purposes, was announced as next in order.

Mr. BUSH. Over.

The PRESIDING OFFICER. The bill will be passed over.

BILLS PASSED TO NEXT CALL OF THE CALENDAR

The bill (S. 2380) to amend section 17 of the Mineral Leasing Act of February 25, 1920, as amended, was announced as next in order.

Mr. MORSE. Mr. President, may we have an explanation of the bill?

Mr. BUTLER of Nebraska. Mr. President, I ask that the bill go over to the next call of the calendar.

The PRESIDING OFFICER. Without objection, the bill will be passed to the next call of the calendar.

DEVELOPMENT OF OIL AND GAS ON THE PUBLIC DOMAIN

The bill (S. 2381) to amend section 27 of the Mineral Leasing Act of February 25, 1920, as amended, in order to promote the development of oil and gas on the public domain, was announced as next in order.

Mr. MORSE. Mr. President, may we have an explanation of the bill?

Mr. BUTLER of Nebraska. Mr. President, I make the same request, that the bill be passed to the next call of the calendar.

The PRESIDING OFFICER. Without objection, the bill will be passed to the next call of the calendar.

Mr. HENDRICKSON. Mr. President, is it the understanding of the Senate that the two bills which have been passed to the next calendar call will be included in the next calendar call by unanimous consent?

The PRESIDING OFFICER. That is correct.

The bill (H. R. 7709) to continue until the close of June 30, 1956, the suspension of certain import duties on copper was announced as next in order.

Mr. MILLIKIN. Mr. President, may I ask the acting majority leader [Mr. BUSH] whether the Senator from Nevada [Mr. MALONE] is in the city?

Mr. BUSH. I have no information concerning that.

Mr. MILLIKIN. Mr. President, it may be that the Senator from Nevada may want to make some comments on this bill. Therefore, I ask that it go over to the next call of the calendar.

The PRESIDING OFFICER. Without objection, the bill will be passed over to the next call of the calendar.

ASSISTANCE TO STATES FOR THE CHRONICALLY ILL

The bill (H. R. 8149) to amend the hospital survey and construction provisions of the Public Health Service Act to provide assistance to the States for surveying the need for diagnostic or treatment centers, for hospitals for the chronically ill and impaired, for rehabilitation facilities, and for nursing homes, and to provide assistance in the construction of such facilities through grants to public and nonprofit agencies, and for other purposes, was announced as next in order.

Mr. HENDRICKSON. Mr. President, reserving the right to object—and I certainly shall not object—ordinarily this bill would not be considered calendar business, but I understand from the distinguished chairman of the Committee on Labor and Public Welfare that this bill was reported unanimously and has the full support of every member of that committee. If my distinguished colleague will give the Senate an explanation of the bill, I shall be quite satisfied.

Mr. SMITH of New Jersey. Mr. President, this bill is an amendment to what is known as the Hill-Burton Act. In connection with my suggestion that the bill be passed on the Consent Calendar, I have conferred with all of the members of my committee. Some members had expected and hoped to make some remarks on the bill when it came up, but in lieu of those remarks, and with their approval, I am asking unanimous consent that the report of the committee be printed in the RECORD, together with the supplemental views of the Senator from New York [Mr. LEHMAN].

There being no objection, the report (No. 1612) with the supplemental views of Mr. LEHMAN, was ordered to be printed in the RECORD, as follows:

The Committee on Labor and Public Welfare, to whom was referred the bill (H. R. 8149) to amend the hospital survey and construction provisions of the Public Health Service Act to provide assistance to the States for surveying the need for diagnostic or treatment centers, for hospitals for the chronically ill and impaired, for rehabilitation facilities, and for nursing homes, and to provide assistance in the construction of such facilities through grants to public and nonprofit agencies, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 6, line 18, insert "to any State" after "allotment"; and on line 19, insert ", but for the purpose of this proviso the term 'State' shall not include the Virgin Islands" immediately before the period.

On page 9, line 23, strike out "(b)" and insert "(c)"; on page 10, line 15, strike out "(c)" and insert "(d)"; on page 10, line 18, strike out "(d)" and insert "(e)"; and on page 9, between lines 22 and 23, insert the following new subsection:

"(b) Upon the request of any State that a specified portion of any allotment to such State for the purposes of paragraph (1), (2), or (4) of section 651 be added to another allotment of such State for the purposes of one of such paragraphs, and upon the simultaneous certification to the Surgeon General by the State agency in such State to the effect that it has afforded a reasonable opportunity to make applications for the portion so specified and there have been no approvable applications for such portion, the Surgeon General shall promptly adjust the allotments in accordance with such request and shall notify the State agency, and thereafter the allotments as so adjusted shall be deemed the State's allotments for the purposes of such paragraphs."

Page 11, line 11, insert "within twenty years" after "any time."

Page 14, line 18, strike out "diagnosis or treatment, or both," and insert in lieu thereof "diagnosis or diagnosis and treatment."

Page 14, line 24, insert ", or, in the case of dental diagnosis or treatment, under the professional supervision of persons licensed to practice dentistry in the State" immediately before the period.

GENERAL STATEMENT

The President on January 18, 1954, submitted to the Congress a health message, containing certain recommendations to improve the health of the American people. The President recounted the progress the Nation had made in the field of health and the needs still to be met. He recognized, among other things, the accomplishments under the hospital survey and construction program (title VI of the Public Health Service Act), and among his recommendations was one proposing that the program be broadened to include additional assistance for the construction of public and other nonprofit hospitals for the care of the chronically ill, as well as to include additional assistance in the construction of public and other nonprofit nursing homes, rehabilitation facilities, and diagnostic or treatment centers. There was included a recommendation for grants to the States for surveying their needs for such facilities in order to provide a sound basis for Federal assistance to be authorized by the expanded program.

Bills were introduced in both the Senate and the House to implement the President's recommendations. Following hearings, consideration, and a unanimous report by the House Interstate and Foreign Commerce Committee, the House, on March 9, 1954, approved H. R. 8149.

Hearings were held by the Subcommittee on Health of this committee on that bill, and on S. 2758, the original companion bill introduced in the Senate. The Secretary of Health, Education and Welfare, the executive director of the American Hospital Association, and numerous other witnesses, testified or presented information for the record. The committee considered the bills in executive sessions and unanimously agreed to report favorably H. R. 8149 with amendments.

The Hospital Survey and Construction Act, enacted in 1946, added title VI to the Public Health Service Act. In 1949 the Congress extended the duration of the hospital survey and construction program and increased the annual appropriation authorization from \$75 million to \$150 million (Public Law 380,

81st Cong.). Last year the Congress again extended the duration of the program, through fiscal year 1957 (Public Law 151, 83d Cong.). On both occasions, in reaffirming the soundness of the program, the Congress has left the basic features of title VI of the Public Health Service Act unchanged. The present bill to amend and broaden title VI (the hospital survey and construction provisions) does not change the existing program.

Present provisions of title VI

Briefly, title VI (consisting of pts. A, B, C, and D) provides for Federal grants to the States, to be used to pay part of the costs of constructing public and other nonprofit hospitals (in four major categories—general, mental, chronic disease, and tuberculosis) and public health centers. As a prerequisite to receiving such grants the State must have made and must keep current a survey of need for such facilities in the State and must have prepared (and secured Federal approval of) a comprehensive plan for the construction of such facilities in the State. Federal grants also were made to pay part of the cost of making such surveys and developing such programs.

Amendments proposed by the bill

The bill proposes to add to title VI a new part E, containing a declaration of purpose and a new part F, authorizing appropriations for grants to the States for surveying the need for hospitals for the chronically ill and impaired, nursing homes, diagnostic or diagnostic and treatment centers, and rehabilitation facilities, and for developing State plans to meet those needs. The bill would also add a new part G, authorizing additional annual appropriations for grants to assist in paying part of the cost of construction, by public and other nonprofit agencies, of needed facilities of the types above mentioned, in accordance with such State plans.

The types of facilities covered by the new part G are not new to the existing hospital survey and construction program. Rehabilitation facilities and diagnostic or diagnostic and treatment facilities and nursing facilities, where part of a hospital, and chronic-disease hospitals are eligible under the existing program. The purpose of including these four types of facilities under the new part G is to provide a broader base for the provision of such facilities and to provide greater stimulus for their construction by specifically earmarking funds for these types of facilities.

The base is broadened by the authorization of assistance in the construction of rehabilitation facilities and diagnostic or diagnostic and treatment facilities and nursing facilities when not a part of a hospital.

PROGRESS TO DATE AND NEED FOR LEGISLATION

The testimony and other evidence presented to the committee leaves no doubt of the excellent response this program has received and of its fine accomplishments. The witnesses who testified presented strong evidence of program achievements through its fine administration at both the Federal and State levels. It is the opinion of the committee that the program, soundly conceived and well administered, represents a model of joint Federal, State, and local community cooperation. Fundamental to the operation of the hospital-construction program is the section of the act requiring an inventory of present facilities and the planning of a network of facilities to serve the entire State. Funds appropriated under the act have been granted to applicants for projects having a priority of need and clearly called for under the overall State plan. This detailed planning which initiated the program has avoided duplicating facilities. The States, under the broad terms of the act, have been granted wide latitude in the development of plans tailored to meet the vary-

ing problems encountered in States countrywide. The authority given the States to develop a plan particularly suited to the needs within a State has resulted in sound and practical planning to meet local needs, rather than the adoption of artificial standards. Following plans developed in every State, 2,200 projects have been approved under the program, utilizing \$600 million of Federal funds and \$1¼ billion of State, local, and other funds. In other words, \$2 in State and local funds have been spent for every Federal dollar made available under title VI.

A total of 106,000 hospital beds have been constructed or have been approved for construction. In addition, 446 public health centers, and many facilities related to hospitals, including nurses' home and training facilities, and laboratories, have been constructed or approved for construction.

Of the 106,000 beds which have been constructed or approved for construction with Federal aid, 86,000 beds have been general (medical and surgical); 11,000 have been mental; 6,000 have been tuberculosis; and 3,000 have been chronic-disease beds.

Quite naturally the major emphasis at the State and local levels has thus far been placed on the construction of general medical and surgical hospitals. This is the type of facility for which many communities experienced and still experience the most immediate and urgent communitywide need. Furthermore, it is the type of facility for which the local share of construction cost, as well as maintenance and operation cost, could be most readily financed. A nationwide survey of applications for future construction reveals a similar pattern of local urgency. The backlog of eligible projects on State waiting lists represents a total Federal share of funds equaling many times the amount appropriated by Congress in any year since the beginning of the program.

The accomplishments under the program thus far, and the continued heavy response to it, as reflected in the backlog of eligible projects, confirm the conviction of the committee and of Congress in 1946 of the great need for such facilities and of the capacity of the program to meet such need.

The necessity to continue undiminished Federal assistance under the existing program is clear, and it is the earnest hope of the committee that there will be no diminution in the appropriations for such purpose.

While the construction of certain types of facilities provided under the existing program, such as general hospitals and public-health centers, has proceeded in a gratifying manner, the provision of the types of facilities provided in the new part G of this bill has lagged. Only 12 percent of the Nation's chronic-disease-bed needs have been met through the construction of chronic-disease hospitals. However, the committee recognizes that the general hospitals built under the program are also major factors in meeting the needs of the chronically ill, since a large percentage of the chronically ill and of the aged require the services of a general hospital.

Thus, the progress to date has been directed at meeting the hospital needs of the people in communities throughout the Nation, both for the acutely ill and the chronically ill who need the services of a general hospital. This progress should continue but it should be accompanied by an acceleration in the provision of hospitals and hospital beds for the chronically ill, for rehabilitation facilities, nursing homes, and diagnostic or diagnostic and treatment facilities for ambulatory patients.

The proposals contained in the bill are designed and intended to achieve a more balanced program and more uniform progress toward meeting all needs by accelerating the provision of the special types of facil-

ities provided in this bill, without any slackening of pace under the present program.

The committee has on previous occasions been particularly interested in opinions expressed by the American Hospital Association in connection with this program. The American Hospital Association furnished testimony on the present bill and cooperated fully with the committee. The American Hospital Association supported the provisions relating to the survey and planning features of the bill and the inclusion of rehabilitation facilities under the program. Testimony from that association indicated a belief that nursing homes, as well as chronic-disease hospitals, were encompassed by the original law and could be included under the present program without legislative change. Their testimony pointed out that the basic problem confronting the Nation in this regard is the financing of hospital and medical care for the chronically ill, the aged, and the disabled, and that this is the main reason why relatively few requests have been received for funds for the construction of chronic-disease hospitals. No question was raised by the American Hospital Association with respect to the need for more chronic-disease and nursing-home facilities. Similarly, although the association questioned the definition of diagnostic or diagnostic and treatment facilities, and stressed the difficulty that the States would encounter in inventorying such facilities, no question was raised concerning the need for more adequate diagnostic services countrywide. However, the association did stress that all hospitals constructed under the program contribute to the improvement of the diagnosis and treatment of patients, and that a major problem encountered is the shortage of trained personnel.

The American Hospital Association also urged that some measure of flexibility be incorporated in the bill for the utilization by the States of funds earmarked with respect to categories of facilities. The committee believes that its amendments adopted in this connection provide a desirable measure of flexibility.

Chronic-disease beds and nursing homes

Testimony before the committee brought out the fact that there is an increasing need for facilities for the chronically ill. This has been occasioned, in part, by a tremendous increase in the old-age group of our population. Thus, while the national population doubled from 1900 to 1950, there was a fourfold increase in the number of people 65 years or over; the actual numbers increased from 3 million to 12 million persons. Along with the increase in the number of aged persons has come an increase in the number of those suffering from cancer and heart disease and other chronic and degenerative conditions. The testimony also brought out the fact that those 65 years of age and over require twice as much hospital care, on the average each year, as do persons under 65 years of age. It should be noted, however, that chronic illness affects persons of all ages and although a high proportion of the aged are affected there are far more chronically ill, in actual numbers, among the population under 65 years of age.

The proposal with respect to those categories in the bill means that additional Federal funds are authorized and may be used to make available beds for the chronically ill either in chronic-disease hospitals or nursing homes, depending on the degree of medical and nursing care required by the patients. As pointed out above, only 12 percent of the national need has been met for beds in chronic-disease hospitals. Under regulations by the United States Public Health Service, the present title VI does not cover nursing homes, when such are not considered to be hospitals. Essential information as to the extent of the need for nursing-home facilities in each area and community

AMENDING THE MINERAL LEASING LAWS AND THE MINING
LAWS TO PROVIDE FOR MULTIPLE MINERAL DEVELOPMENT
OF THE SAME TRACTS OF THE PUBLIC LANDS

JULY 6, 1951.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. MILLER of Nebraska, from the Committee on Interior and In-
sular Affairs, submitted the following

R E P O R T

[To accompany H. R. 8896]

The Committee on Interior and Insular Affairs, to whom was re-
ferred the bill (H. R. 8896) to amend the mineral leasing laws to pro-
vide for multiple mineral development of the same tracts of the public
lands, and for other purposes, having considered the same, report favor-
ably thereon with amendment and recommend that the bill do pass.

The amendment is as follows:
Strike all after the enacting clause and insert in lieu thereof the
following:

That, (a) subject to the conditions and provisions of this Act and to any valid
intervening rights acquired under the laws of the United States, any mining claim
located under the mining laws of the United States subsequent to July 31, 1939,
and prior to February 10, 1954, on lands of the United States, which at the time
of location were—

- (1) included in a permit or lease issued under the mineral leasing laws; or
- (2) covered by an application or offer for a permit or lease which had been
filed under the mineral leasing laws; or
- (3) known to be valuable for minerals subject to disposition under the
mineral leasing laws,

shall be effective to the same extent in all respects as if such lands at the time of
location, and at all times thereafter, had not been so included or covered or known:
Provided, however, That, in order to be entitled to the benefits of this Act, the
owner of any such mining claim located prior to January 1, 1953, must have
posted and filed for record, within the time allowed by the provisions of the
Act of August 12, 1953 (67 Stat. 539), an amended notice of location as to such
mining claim, stating that such notice was filed pursuant to the provisions of
said Act of August 12, 1953, and for the purpose of obtaining the benefits thereof:
And provided further, That in order to obtain the benefits of this Act, the owner
of any such mining claim located subsequent to December 31, 1952, and prior to
February 10, 1954, not later than one hundred and twenty days after the date of
enactment of this Act, must post on such claim in the manner required for posting

notice of location of mining claims and file for record in the office where the notice or certificate of location of such claim is of record an amended notice of location for such claim, stating that such notice is filed pursuant to the provisions of this Act and for the purpose of obtaining the benefits thereof and, within said one hundred and twenty day period, if such owner shall have filed a uranium lease application as to the tract covered by such mining claim, must file with the Atomic Energy Commission a withdrawal of such uranium lease application or, if a uranium lease shall have issued pursuant thereto, a release of such lease, and must record a notice of the filing of such withdrawal or release in the county office wherein such notice or certificate of location shall have been filed for record.

(b) Labor performed or improvements made after the original location of and upon or for the benefit of any mining claim which shall be entitled to the benefits of this Act under the provisions of subsection (a) of this section 1, shall be recognized as applicable to such mining claim for all purposes to the same extent as if the validity of such mining claim were in no respect dependent upon the provisions of this Act.

(c) As to any land covered by any mining claim which is entitled to the benefits of this Act under the provisions of subsection (a) of this section 1, any withdrawal or reservation of lands made after the original location of such mining claim is hereby modified and amended so that the effect thereof upon such mining claim shall be the same as if such mining claim had been located upon lands of the United States which, subsequent to July 31, 1939, and prior to the date of such withdrawal or reservation, were subject to location under the mining laws of the United States.

SEC. 2. (a) If any mining claim which shall have been located subsequent to December 31, 1952, and prior to December 11, 1953, and which shall be entitled to the benefits of this Act, shall cover any lands embraced within any mining claim which shall have been located prior to January 1, 1953, and which shall be entitled to the benefits of this Act, then as to such area of conflict said mining claim so located subsequent to December 31, 1952, shall be deemed to have been located December 11, 1953.

(b) If any mining claim hereafter located shall cover any lands embraced within any mining claim which shall have been located prior to February 10, 1954, and which shall be entitled to the benefits of this Act, then as to such area of conflict said mining claim hereafter located shall be deemed to have been located one hundred and twenty-one days after the date of the enactment of this Act.

SEC. 3. (a) Subject to the conditions and provisions of this Act and to any valid prior rights acquired under the laws of the United States, the owner of any pending uranium lease application or of any uranium lease shall have, for a period of one hundred and twenty days after the date of enactment of this Act, as limited in subsection (b) of this section 3, the right to locate mining claims upon the lands covered by said application or lease.

(b) Any rights under any such mining claim so hereafter located pursuant to the provisions of subsection (a) of this section 3 shall be subject to any rights of the owner of any mining claim which was located prior to February 10, 1954, and which was valid at the date of the enactment of this Act or which may acquire validity under the provisions of this Act. As to any lands covered by a uranium lease and also by a pending uranium lease application, the right of mining location under this section 3, as between the owner of said lease and the owner of said application, shall be deemed as to such conflict area to be vested in the owner of said lease. As to any lands embraced in more than one such pending uranium lease application, such right of mining location, as between the owners of such conflicting applications, shall be deemed to be vested in the owner of the prior application. Priority of such an application shall be determined by the time of posting on a tract then available for such leasing of a notice of lease application in accordance with paragraph (c) of the Atomic Energy Commission's Domestic Uranium Program Circular 7 (10 C. F. R. 60.7 (c)) provided there shall have been timely compliance with the other provisions of said paragraph (c) or, if there shall not have been such timely compliance, then by the time of the filing of the uranium lease application with the Atomic Energy Commission. Any rights under any mining claim located under the provisions of this section 3 shall terminate at the expiration of thirty days after the filing for record of the notice or certificate of location of such mining claim unless, within said thirty-day period, the owner of the uranium lease application or uranium lease upon which the location of such mining claim was predicated shall have filed with the Atomic Energy Commission a withdrawal of said application or a release of said lease and shall have recorded a notice of the filing of such withdrawal or release in the county office wherein such notice or certificate of location shall be of record.

(c) Except as otherwise provided in subsections (a) and (b) of this section 3, no mining claim hereafter located shall be valid as to any lands which at the time of such location were covered by a uranium lease application or a uranium lease. Any tract upon which a notice of lease application has been posted in accordance with said paragraph (c) of said Circular 7 shall be deemed to have been included in a uranium lease application from and after the time of the posting of such notice of lease application: *Provided*, That there shall have been timely compliance with the other provisions of said paragraph (c) or, if there shall not have been such timely compliance, then from and after the time of the filing of a uranium lease application with the Atomic Energy Commission.

SEC. 4. Every mining claim or millsite hereafter located under the mining laws of the United States and every mining claim or millsite heretofore so located which shall be entitled to benefits under the first three sections of this Act shall be subject to a reservation to the United States of all Leasing Act minerals and of the right (as limited in section 6 hereof) of the United States, its lessees, permittees, and licensees to enter upon the land covered by such mining claim or millsite and to prospect for, drill for, mine, treat, store, transport, and remove Leasing Act minerals and to use so much of the surface and subsurface of such mining claim or millsite as may be necessary for such purposes, and whenever reasonably necessary, for the purpose of prospecting for, drilling for, mining, treating, storing, transporting, and removing Leasing Act minerals on and from other lands; and any patent issued for any such mining claim or millsite shall contain such reservation.

SEC. 5. Subject to the conditions and provisions of this Act, mining claims and millsites may hereafter be located under the mining laws of the United States on lands of the United States which at the time of location are—

(a) included in a permit or lease issued under the mineral leasing laws, or

(b) covered by an application or offer for a permit or lease filed under the mineral leasing laws; or

(c) known to be valuable for minerals subject to disposition under the mineral leasing laws;

to the same extent in all respects as if such lands were not so included or covered or known.

SEC. 6. (a) Where the same lands are being utilized for mining operations and Leasing Act operations, each of such operations shall be conducted, so far as reasonably practicable, in a manner compatible with such multiple use.

(b) Any mining operations pursuant to rights under any unpatented or patented mining claim or millsite which shall be subject to a reservation to the United States of Leasing Act minerals as provided in this Act, shall be conducted, so far as reasonably practicable, in a manner which will avoid damage to any known deposit of any Leasing Act mineral. Subject to the provisions of subsection (d) of this section 6, mining operations shall be so conducted as not to endanger or materially interfere with any existing surface or underground improvements, workings, or facilities which may have been made for the purpose of Leasing Act operations, or with the utilization of such improvements, workings, or facilities.

(c) Any Leasing Act operations on lands covered by an unpatented or patented mining claim or millsite which shall be subject to a reservation to the United States of Leasing Act minerals as provided in this Act, shall be conducted, so far as reasonably practicable, in a manner which will avoid damage to any known deposit of any mineral not so reserved from such mining claim or millsite. Subject to the provisions of subsection (d) of this section 6, Leasing Act operations shall be so conducted as not to endanger or materially interfere with any existing surface or underground improvements, workings, or facilities which may have been made for the purpose of mining operations, or with the utilization of such improvements, workings, or facilities.

(d) If, upon petition of either the mining operator or the Leasing Act operator, any court of competent jurisdiction shall find that a particular use in connection with one of such operations cannot be reasonably and properly conducted without endangering or materially interfering with the then existing improvements, workings, or facilities of the other of such operations or with the utilization thereof, and shall find that under the conditions and circumstances, as they then appear, the injury or damage which would result from denial of such particular use would outweigh the injury or damage which would result to such then existing improvements, workings, or facilities or from interference with the utilization thereof if that particular use were allowed, then in such event such court may permit such use upon payment (or upon furnishing of security determined by the court to be adequate to secure payment) to the party or parties who would be thus injured or

damaged, of an amount to be fixed by the court as constituting fair compensation for the then reasonably contemplated injury or damage which would result to such then existing improvements, workings, or facilities or from interference with the utilization thereof by reason of the allowance of such particular use.

(c) Where the same lands are being utilized for mining operations and Leasing Act operations, then upon request of the party conducting either of said operations, the party conducting the other of said operations shall furnish to and at the expense of such requesting party copies of any information which said other party may have, as to the situs of any improvements, workings, or facilities theretofore made upon such lands, and upon like request, shall permit such requesting party, at the risk of such requesting party, to have access at reasonable times to any such improvements, workings, or facilities for the purpose of surveying and checking or determining the situs thereof. If damage to or material interference with a party's improvements, workings, facilities, or with the utilization thereof shall result from such party's failure, after request, to so furnish to the requesting party such information or from denial of such access, such failure or denial shall relieve the requesting party of any liability for the damage or interference resulting by reason of such failure or denial. Failure of a party to furnish requested information or access shall not impose upon such party any liability to the requesting party other than for such costs of court and attorney's fees as may be allowed to the requesting party in enforcing by court action the obligations of this section as to the furnishing of information and access. The obligation hereunder of any party to furnish requested information shall be limited to map and survey information then available to such party with respect to the situs of improvements, workings, and facilities and the furnishing thereof shall not be deemed to constitute any representation as to the accuracy of such information.

SEC. 7. (a) Any applicant, offeror, permittee, or lessee under the mineral leasing laws may file in the office of the Secretary of the Interior, or in such office as the Secretary may designate, a request for publication of notice of such application, offer, permit, or lease, provided, expressly, that not less than ninety days prior to the filing of such request for publication there shall have been filed for record in the county Office of Record for the county in which the lands covered thereby are situate a notice of the filing of such application or offer or of the issuance of such permit or lease which notice shall set forth the date of such filing or issuance, the name and address of the applicant, offeror, permittee or lessee and the description of the lands covered by such application, offer, permit or lease, showing section or sections of land surveyed, or, if such lands are unsurveyed, the section or sections of land which would probably be involved when the public lands surveyed are extended to such lands, or a tie by courses and distances to an approved United States Mineral Monument. The filing of such request for publication shall be accompanied by a certified copy of such recorded notice and an affidavit or affidavits of a person or persons over twenty-one years of age setting forth that the affiant or affiants have examined the lands involved in a reasonable effort to ascertain whether any person or persons were in possession of or engaged in the working of such lands or any part thereof, and, if no person or persons were found to be in possession of or engaged in the working of said lands or any part thereof on the date of such examination, setting forth such fact, or, if any person or persons were so found to be in possession or engaged in such working on the date of such examination, setting forth the name and address of each such person, unless affiant shall have been unable through reasonable inquiry to obtain information as to the name and address of any such person, in which event the affidavit shall set forth fully the nature and results of such inquiry.

Thereupon the Secretary of the Interior, or his designated representative, at the expense of the requesting person (who, prior to the commencement of publication, must furnish the agreement of the publisher to hold such requesting person alone responsible for charges of publication), shall cause notice of such application, offer, permit, or lease to be published in a newspaper having general circulation in the county in which the lands involved are situate.

Such notice shall describe the lands covered by such application, offer, permit, or lease, as provided heretofore in the notice to be filed in the office of record of the county in which the lands covered are situate, and shall notify whomever it may concern that if any person claiming or asserting under, or by virtue of, any unpatented mining claim, any right or interest in Leasing Act minerals as to such lands or any part thereof, shall fail to file in the office where such request for publication was filed (which office shall be specified in such notice) and within one hundred and fifty days from the date of the first publication of such notice (which

date shall be specified in such notice), a verified statement which shall set forth, as to such unpatented mining claim:

(1) The date of location;

(2) The book and page of recordation of the notice or certificate of location;

(3) The section or sections of the public land surveys which embrace such mining claim; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument;

(4) Whether such claimant is a locator or purchaser under such location; and

(5) The name and address of such claimant and names and addresses so far as known to the claimant of any other person or persons claiming any interest or interests in or under such unpatented mining claim;

such failure shall be conclusively deemed (i) to constitute a waiver and relinquishment by such mining claimant of any and all right, title, and interest under such mining claim as to, but only as to, Leasing Act minerals, and (ii) to constitute a consent by such mining claimant that such mining claim and any patent issued therefor, shall be subject to the reservation specified in section 4 of this Act, and (iii) to preclude thereafter any assertion by such mining claimant of any right or title to or interest in any Leasing Act mineral by reason of such mining claim.

If such notice is published in a daily paper, it shall be published in the Wednesday issue for nine consecutive weeks, or, if in a weekly paper, in nine consecutive issues, or, if in a semiweekly or triweekly paper, in the issue of the same day of each week for nine consecutive weeks.

Within fifteen days after the date of first publication of such notice, the person requesting such publication (1) shall cause a copy of such notice to be personally delivered to or to be sent by registered mail addressed to each person in possession or engaged in the working of the land whose name and address is shown by an affidavit filed as aforesaid, and to each person who may have filed, as to any lands described in said notice, a request for notices, as provided in subsection (d) of this section 7, and (2) shall file in the office where said request for publication was filed an affidavit showing that copies have been so delivered or mailed.

(b) If any claimant under any unpatented mining claim which embraces any of the lands described in any notice published in accordance with the provisions of subsection (a) of this section 7 shall fail to file a verified statement, as above provided, within one hundred and fifty days from the date of the first publication of such notice, such failure shall be conclusively deemed, except as otherwise provided in subsection (e) of this section 7, (i) to constitute a waiver and relinquishment by such mining claimant of any and all right, title, and interest under such mining claim as to, but only as to, Leasing Act minerals, and (ii) to constitute a consent by such mining claimant that such mining claim and any patent issued therefor, shall be subject to the reservation specified in section 4 of this Act, and (iii) to preclude thereafter any assertion by such mining claimant of any right or title to or interest in any Leasing Act mineral by reason of such mining claim.

(c) If any verified statement shall be filed by a mining claimant as provided in subsection (a) of this section 7, then the Secretary of the Interior or his designated representative shall fix a time and place for a hearing to determine the validity and effectiveness of the mining claimant's asserted right or interest in Leasing Act minerals, which place of hearing shall be in the county where said interest or part of it is located, unless the mining claimant agrees otherwise. The procedures with respect to notice of such a hearing and the conduct thereof, and in respect to appeals shall follow the then established general procedures and rules of practice of the Department of the Interior in respect to contests or protests affecting public lands of the United States. If, pursuant to such a hearing the final decision rendered shall affirm the validity and effectiveness of any mining claim as to Leasing Act minerals then no subsequent proceeding under section 7 of this Act shall have any force or effect upon any rights or interests under the said so affirmed mining claim. If at any time prior to a hearing the person requesting publication of notice and any person filing a verified statement pursuant to such notice shall so stipulate, then to the extent so stipulated, but only to such extent, no hearing shall be held with respect to rights asserted under that verified statement, and to the extent defined by the stipulation the rights asserted under that verified statement shall be deemed to be unaffected by that particular published notice.

(d) Any person claiming any right in Leasing Act minerals under or by virtue of any unpatented mining claim and desiring to receive a copy of any notice of

any application, offer, permit, or lease which may be published as above provided in subsection (a) of this section 7 and which may affect lands embraced in such mining claim, may cause to be filed for record in the county office of record where the notice or certificate of location of such mining claim shall have been recorded, a duly acknowledged request for a copy of any such notice. Such request for copies shall set forth the name and address of the person requesting copies and shall also set forth, as to each mining claim under which such person asserts rights in Leasing Act minerals:

- (1) the date of location;
- (2) the book and page of the recordation of the notice or certificate of location; and
- (3) the section or sections of the public land surveys which embrace such mining claim; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument.

Other than in respect to the requirements of subsection (a) of this section 7 as to personal delivery or mailing of copies of notices and in respect to the provisions of subsection (e) of this section 7, no such request for copies of published notices and no statement or allegation in such request and no recordation thereof shall affect title to any mining claim or to any land, or be deemed to constitute constructive notice to any person that the person requesting copies has, or claims, any right, title, or interest in or under any mining claim referred to in such request.

(e) If any applicant, offeror, permittee, or lessee shall fail to comply with the requirements of subsection (a) of this section 7 as to the personal delivery or mailing of a copy of notice to any person, the publication of such notice shall be deemed wholly ineffectual as to that person or as to the rights asserted by that person and the failure of that person to file a verified statement, as provided in such notice, shall in no manner affect, diminish, prejudice or bar any rights of that person.

SEC. 8. The owner or owners of any mining claim heretofore located may, at any time prior to issuance of patent therefor, waive and relinquish all rights thereunder to Leasing Act minerals. The execution and acknowledgment of such a waiver and relinquishment by such owner or owners and the recordation thereof in the office where the notice or certificate of location of such mining claim is of record shall render such mining claim thereafter subject to the reservation referred to in section 4 of this Act and any patent issued therefor shall contain such a reservation, but no such waiver or relinquishment shall be deemed in any manner to constitute any concession as to the date of priority of rights under said mining claim or as to the validity thereof.

SEC. 9. The Atomic Energy Act is hereby amended as follows:

(a) Section 5 (b) (5) is revised to read:

(5) ACQUISITION.—The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this Act, to purchase, take, requisition, condemn, or otherwise acquire—

(A) supplies of source materials or any interest in real property containing deposits of source materials; and

(B) rights to enter upon any real property deemed by it to have possibilities of containing deposits of source materials and to conduct prospecting and exploratory operations for such deposits.

Any purchase made under this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and partial and advance payments may be made thereunder. The Commission may establish guaranteed prices for all source materials delivered to it within a specified time. Just compensation shall be made for any property or interest in property purchased, taken, requisitioned, condemned, or otherwise acquired under this paragraph.

(b) Section 5 (b) (6) is revised to read:

(6) OPERATIONS ON LANDS BELONGING TO THE UNITED STATES.—The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this Act, to issue leases or permits for prospecting for, exploration for, mining, or removal of deposits of source materials (or for any or all of these purposes) in lands belonging to the United States.

(c) Section 5 (b) (7) is revised to read:

“(7) PUBLIC LANDS.—No individual, corporation, partnership, or association, which had any part, directly or indirectly, in the development of the atomic bomb

project, may benefit by any location, entry, or settlement upon the public domain made after such individual, corporation, partnership, or association took part in such project, if such individual, corporation, partnership, or association, by reason of having had such part in the development of the atomic bomb project, acquired confidential official information as to the existence of deposits of such uranium, thorium, or other materials in the specific lands upon which such location, entry, or settlement is made, and subsequent to the date of the enactment of this Act made such location, entry, or settlement or caused the same to be made for his, or its, or their benefit. In cases where any patent, conveyance, lease, permit, or other authorization has been issued, which reserved to the United States source materials and the right to enter upon the land and prospect for, mine, and remove the same, the head of the department or agency which issued the patent, conveyance, lease, permit, or other authorization shall, on application of the holder thereof, issue a new or supplemental patent, conveyance, lease, permit, or other authorization without such reservation."

(d) Notwithstanding the provisions of the Atomic Energy Act, and particularly section 5 (b) (7) thereof, prior to its amendment hereby, or the provisions of the Act of August 12, 1953 (67 Stat. 539), and particularly section 3 thereof, any mining claim, heretofore located under the mining laws of the United States, for, or based upon a discovery of a mineral deposit which is a fissionable source material and which, except for the possible contrary construction of said Atomic Energy Act, would have been locatable under such mining laws, shall, insofar as adversely affected by such possible contrary construction, be valid and effective, in all respects to the same extent as if said mineral deposit were a locatable mineral deposit other than a fissionable source material.

SEC. 10. As used in this Act "mineral leasing laws" shall mean the Act of October 20, 1914 (38 Stat. 741); the Act of February 25, 1920 (41 Stat. 437); the Act of April 17, 1926 (44 Stat. 301); the Act of February 7, 1927 (44 Stat. 1057); and all Acts heretofore or hereafter enacted which are amendatory of or supplementary to any of the foregoing Acts; "Leasing Act minerals" shall mean all minerals which, upon the effective date of this Act, are provided in the mineral leasing laws to be disposed of thereunder, "Leasing Act operations" shall mean operations conducted under a lease, permit, or license issued under the mineral leasing laws in or incidental to prospecting for, drilling for, mining, treating, storing, transporting, or removing Leasing Act minerals; "mining operations" shall mean operations under any unpatented or patented mining claim or millsite in or incidental to prospecting for, mining, treating, storing, transporting, or removing minerals other than Leasing Act minerals and any other use under any claim of right or title based upon such mining claim or millsite; "Leasing Act operator" shall mean any party who shall conduct Leasing Act operations; "mining operator" shall mean any party who shall conduct mining operations; "Atomic Energy Act" shall mean the Act of August 1, 1946 (60 Stat. 755), as amended; "Atomic Energy Commission" shall mean the United States Atomic Energy Commission established under the Atomic Energy Act or any amendments thereof; "fissionable source material" shall mean uranium, thorium, and all other materials referred to in section 5 (b) (1) of the Atomic Energy Act as reserved or to be reserved to the United States; "uranium lease application" shall mean an application for a uranium lease filed with said Commission with respect to lands which would be open for entry under the mining laws except for their being lands embraced within an offer, application, permit, or lease under the mineral leasing laws or lands known to be valuable for minerals leasable under those laws; "uranium lease" shall mean a uranium mining lease issued by said Commission with respect to any such lands; and "person" shall mean any individual, corporation, partnership, or other legal entity.

SEC. 11. If any provision of this Act, or the application of such provision to any person or circumstances, is held unconstitutional, invalid, or unenforceible, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held unconstitutional, invalid, or unenforceible, shall not be affected thereby.

Amend the title so as to read:

A bill to amend the mineral leasing laws and the mining laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes.

PURPOSE OF THE BILL

This legislation has as its object the solution of the problem arising out of the coexistence of two distinct systems under which rights to develop and exploit the mineral resources of our Federal domain may be acquired. The mining laws of 1872 in providing for the location and patenting of mining claims do not contemplate anything less than full title. On the other hand, the leasing system covered by the Mineral Leasing Act of 1920 provides only for license or lease rights and is concerned with oil and gas, oil shale, coal, phosphate, sodium, and potash. Land on which mineral locations have been made under the mining laws has not been open to leasing under the Mineral Leasing Act and land under an oil and gas lease, permit, application, or offer under the Mineral Leasing Act, or known to be valuable for Leasing Act minerals, has not been open to mineral entry under the mining laws.

While this legislation is not confined to any particular mineral or geographical area, the activity in the uranium field has focused attention on these problems and the urgent need for their solution. The principal area of domestic uranium mining activity is at present in the Colorado Plateau. That area is blanketed to a great extent by oil and gas filings which have had the effect of technically excluding development for uranium and other hard minerals. In localities in this area where oil and gas applications have not yet been made and where mining locations have been made, the oil and gas prospector hesitates to lease and drill because of the existing mining claims, the presence of which would impair the rights of the lessee. This dual interest makes it necessary for the Congress to provide a way for the mining claimants and the Leasing Act interests to live together so that full development of our mineral resources may benefit both, and in consequence, the Nation. This committee recommended, and the Congress passed, Public Law No. 250 (act of August 12, 1953), which legislation recognized the importance of this situation and by this act validated a limited number of mining claims (almost entirely uranium) which, by virtue of the status of the lands on which they were located, were found to have been invalid. The need for broader legislation of a permanent character was recognized at that time and in the year which followed all interests directly affected have worked diligently toward this legislation. H. R. 8896 is the result of this collaboration.

The proposed bill provides legal compatibility for coexistence of a mining claim and of a permit or lease under the Leasing Act on the same land. It also provides for the transition to the new from the present situation. It further provides a remedy for certain complications resulting from the limited scope of Public Law No. 250 and complications introduced by the Atomic Energy Commission's Domestic Uranium Program Circular 7 which had been issued by the Atomic Energy Commission to permit development of fissionable source material on lands closed to mining location because of Mineral Leasing Act filings.

This bill is intended to solve still another problem which stems from the uncertainty which now exists, because of the scope of the Atomic Energy Act, as to the validity of any mining claim located after August 1, 1946, the date of enactment of the Atomic Energy Commis-

sion Act, for fissionable source materials. This bill would eliminate that uncertainty.

H. R. 8896 also provides a much-needed procedure under which claimants of unpatented mining claims, which may conflict with Leasing Act filings, may be required to make known and establish the basis of their assertions if these assertions extend to Leasing Act minerals.

EXPLANATION OF THE PROVISIONS

Sections 1, 2, and 3 cover the transition to the new concept and system of multiple use, in particular for the uranium mining on the Colorado Plateau. Public Law No. 250 affected mining claims located prior to January 1, 1953. Enactment of this law did not stop uranium prospecting after that date nor was it the intent that development should stop. Prospecting for fissionable source materials continued on the Colorado Plateau and elsewhere and such activity was not discouraged either by the Atomic Energy Commission or the Department of the Interior.

Sections 1, 2, and 3 of the bill provide for preference categories in order to protect mining claimants on such lands who had heretofore proceeded in good faith. Unless this is done, there will be a mad scramble to relocate these claims in an effort to capitalize on the title uncertainties inherent in the present situation which will result in controversies, conflicts, and possible injustices.

Sections 4, 5, and 6 represent the fundamental proposed new rules as to multiple use in light of problems arising out of the December 31, 1952, terminal date specified in Public Law No. 250, the interval between that date and the February 10, 1954, publication of AEC Circular 7, and the many notices posted and applications filed in conformance to Circular 7.

Section 4 prescribes a reservation of Leasing Act minerals and appropriate easements for their development as to all mining claims located in the future as well as to those mining claims which are entitled to the validating benefits of sections 1, 2, and 3.

Section 5 permits the future location of mining claims on lands covered by an application, offer, permit or lease under the Mineral Leasing Act, or on lands known to be valuable for Leasing Act minerals, provided, of course, that such lands are otherwise subject to mining location.

Sections 6 (a), (b), and (c) define reciprocally the standards to be followed to minimize the interference incidental to multiple use. Primary protection is accorded to workings and improvements first placed upon the land. Mere priority in filing is given no significance.

Section 6 (d) provides that a court may permit an interference upon proper compensation for damage where the damage from denial would outweigh the damage from allowance.

Section 6 (e) provides for mutual exchange of pertinent information between the parties involved in the multiple use.

Section 7 provides a procedure whereby an applicant for or holder of a permit or lease may cause the Interior Department to publish as prescribed in (a) a notice requiring any claimant under an unpatented mining claim to come forward and make his claim known where the claim extends to Leasing Act minerals. It is seldom possible to identify a mining location with sufficient accuracy to permit the loca-

tion to be indexed in a county office of record, and it is this absence of identification which constitutes a serious difficulty and often an insurmountable obstacle for Mineral Leasing Act development. The actively worked mining claim poses no problem; it is the "dormant" location which must be discovered and this can only be done by requiring such claimants to come forward. It is significant to note that under (b) failure of the "dormant" claimant to come forward and assert his position does not impair his rights under the mining claim as to other than Leasing Act minerals. In other words, the unasserted "dormant" claim would thereafter be subject to the same reservations with respect to Leasing Act minerals as it would be if located in the future.

Section 7 (c) provides that hearings, where conflicting rights are asserted, shall follow established Interior Department procedures.

Section 7 (d) provides that a mining claimant may avoid the danger of oversight of a published notice by filing with the county recorder a request for notices affecting the area in which his claims are located.

Section 7 (c) provides that where the requirements for the mailing of notices have not been complied with, published notice is of no effect as to a party to whom notice was not mailed as required.

Section 8 merely authorizes the holder of an unpatented heretofore located mining claim to voluntarily waive and relinquish any rights as to Leasing Act minerals. This is in the interest of avoidance of conflict and permits negotiated settlements.

Sections 9 (a), (b), and (c) amend sections 5 (b) (5), 5 (b) (6), and 5 (b) (7) of the Atomic Energy Act. These amendments are intended to delete the reservation of fissionable source materials specified in section 5 (b) (7) of the Atomic Energy Act, to clarify the act as to acquisition by the Commission of prospecting and exploratory rights and to confirm the authority of the Commission as to leases and permits relating to fissionable source materials.

Section 9 (d) clarifies the status of existing mining locations based upon a discovery of fissionable source material. Its need arises out of the confusing language of section 5 (b) (7) of the Atomic Energy Act of August 1, 1946. Mere elimination of the reservation provisions of section 5 (b) (7) would clear the problem as to lands not theretofore located, but that elimination by itself could create a havoc of predatory locations, with a correspondingly dangerous situation. It is the feeling of this committee that section 9 (d) meets and corrects adequately this situation.

Section 10 is a definition section which permits economy of language throughout the bill.

Section 11 is a savings clause provision.

CONCLUSION

As a result of a great deal of study and extensive public hearings, the Committee on Interior and Insular Affairs concludes that this legislation would result in increased development of our mineral resources and therefore recommends that H. R. 8896, as amended, be given prompt approval by the House.

REPORTS OF EXECUTIVE AGENCIES

The favorable reports of the Atomic Energy Commission and of the Department of the Interior are set forth in full below.

UNITED STATES ATOMIC ENERGY COMMISSION,
Washington 25, D. C., May 21, 1954.

Hon. Dr. A. L. MILLER,
Chairman, House Committee on Interior and Insular Affairs,
Congress of the United States.

DEAR DR. MILLER: Our views have been requested on S. 3344 and H. R. 8892, identical bills to amend the mineral leasing laws to provide for multiple mineral development of the same tracts of the public lands, and other purposes.

Insofar as they bear upon the activities and field of interest of the Atomic Energy Commission, the bills appear to have two major objectives:

1. To permit establishment of mining claims under the mining laws on lands to which the mineral leasing acts are applicable; and

2. To confirm that despite the reservation to the United States of source material in the public lands set forth in section 5 (b) (7) of the Atomic Energy Act of 1946, as amended, valid mining claims may be established on the basis of a discovery of a source material alone.

We are of the opinion that realization of both objectives would further the Commission's aim of encouraging greater domestic production of source materials and are therefore happy to state our recommendation that the proposal be enacted. We should like to suggest certain amendments, however, which we believe are fully in keeping with the apparent purposes of the bills. The changes we suggest fall into two categories.

First, a group of formal changes which require very little discussion, all falling on page 21 of the committee prints

1. In lines 1 and 2, of page 21, reference is made to the act of August 1, 1946 and "all heretofore enacted Acts which are amendatory of or supplementary to said Act." Since it might be difficult to determine with certainty what acts are "supplementary to" the Atomic Energy Act of 1946, our suggestion would be to substitute the words "as amended" for the longer phrase just quoted.

2. In line 7, of page 21, reference is made to "section 5 (b) (7) of the Atomic Energy Act." We believe that the reference should be to section 5 (b) (1).

3. In lines 8 through 14, of page 21, definitions are set forth of "uranium lease application" and "uranium lease." Both are defined by reference to the provisions of the Commission's Domestic Uranium Program Circular 7. We assume that all uranium lease applications or uranium leases relating to oil and gas lands are meant to be comprehended and that the reference to Circular 7 is intended to be shorthand for this purpose. The fact that the Commission both received some applications and issued some leases prior to the promulgation of Circular 7 produces the result that the shorthand phrase is somewhat deficient for its intended purpose. It is suggested that lines 8 to 14 be revised to read as follows:

"Uranium lease application" shall mean an application for a uranium lease filed with said Commission with respect to lands which would be open for entry under the mining laws except for their being lands embraced within an offer, application, permit, or lease under the mineral leasing laws or lands known to be valuable for minerals leasable under those laws; "uranium lease" shall mean a uranium mining lease issued by said Commission with respect to any such lands;

Second, substitution of an entirely different draft for section 9 of the bills

This proposed alternative, set forth in full in the attached memorandum, is believed to be entirely consistent, so far as objectives are concerned, with section 9 as now set forth in the bills. It embodies the substance of proposals set forth in a general bill to amend the Atomic Energy Act, H. R. 8862 and S. 3323, now under consideration by the Joint Committee on Atomic Energy. It approaches the problems created by the reservation embodied in section 5 (b) (7) of the Atomic Energy Act by expunging the reservation from the act in its entirety. This would represent no economic loss to the Government since at no time has the Atomic Energy Commission paid less for source materials originating on lands subject to the reservation than it has for source materials originating on lands to which the reservation had no application. The principal practical effect of the reservation thus far has been detrimental to the Commission's program in that, although neither the Commission nor the Department of

Interior believes there is legal ground for it, doubt has arisen in the mining industry as to whether a mining claim based on the discovery of a source material alone is legally valid. Complete deletion of the reservation would place source materials on the same footing as any other minerals within the scope of the Mining Laws of 1872, as amended, and thereby leave no doubt whatsoever on this score.

With the deletion of the reservation, three related amendments of the Atomic Energy Act of 1946 become necessary:

1. The reservation of section 5 (b) (7) includes a right to enter upon the land and prospect for, mine, and remove source materials, with just compensation for any damage or injury occasioned thereby. Because section 5 (v) (5) of the Atomic Energy Act in its present form authorizes the Commission to acquire by purchase or condemnation supplies of source materials or any interest in real property containing deposits of source materials, the deletion of the part of the reservation giving the United States rights to enter upon lands containing source materials is of no great consequence to the Commission. On the other hand, the Commission's authority under section 5 (b) (5) to acquire source materials and interests in real property containing them does not explicitly comprehend acquisition of prospecting and exploratory rights in lands deemed to have possibilities of containing source materials. Hence, it is suggested that the scope of section 5 (b) (5) be enlarged to comprehend exploratory and prospecting rights. With section 5 (b) (5) thus amended, section 5 (b) (6) in its present form would be superfluous and should be deleted.

2. Although enactment of S. 3344 and H. R. 8892 would no longer make it necessary for the Commission to issue leases for source materials with respect to oil and gas lands, a narrow area would remain (e. g., source materials discovered on lands withdrawn other than by reason of the application of the mineral leasing laws) in which the only way the Commission could be assured of making deposits of source materials available for development and mining by private industry would be through the exercise of the leasing power. The Commission's existing power to issue leases is legally founded upon the reservation now set forth in section 5 (b) (7) of the Atomic Energy Act. Hence, if the reservation is deleted as proposed, it will be necessary to add an explicit authorization to the Commission to issue leases for source materials with respect to lands belonging to the United States.

3. Since the reservation would be deleted for the future and since, where it exists, it is productive of uncertainty rather than advantageous to the Government, it is believed desirable to authorize the heads of agencies who have issued conveyances subject to the reservation to release the present holders of the land from the reservation. As indicated above this would put to rest any lingering doubts about validity of the claims in question without sacrifice of any substantial interest by the Government.

The pressure of time has prevented us from submitting this report to the Bureau of the Budget.

Sincerely yours,

LEWIS L. STRAUSS, *Chairman.*

MEMORANDUM ON S. 3344 AND H. R. 8892

The following is suggested for insertion in the above bills in lieu of section 9 as set forth in the committee prints dated April 26 and April 27, respectively:

"Sec. 9. The Atomic Energy Act is hereby amended as follows:

"(a) Section 5 (b) (5) is revised to read:

"(5) ACQUISITION.—The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this Act, to purchase, take, requisition, condemn, or otherwise acquire—

"(A) supplies of source materials or any interest in real property containing deposits of source materials; and

"(B) rights to enter upon any real property deemed by it to have possibilities of containing deposits of source materials and to conduct prospecting and exploratory operations for such deposits.

Any purchase made under this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and partial and advance payments may be made thereunder. The Commission may establish guaranteed prices for all source materials delivered

to it within a specified time. Just compensation shall be made for any property or interest in property taken, requisitioned, or condemned under this paragraph.' "

[NOTE.—Additions to the language of sec. 5 (b) (5) in its present form have been italicized.]

"(b) Section 5 (b) (6) is revised to read:

"(6) OPERATIONS ON LANDS BELONGING TO THE UNITED STATES.—The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this Act, to issue leases or permits for prospecting for, exploration for, mining, or removal of deposits of source materials (or for any or all of these purposes) in lands belonging to the United States.' "

[NOTE.—Sec. 5 (b) (6) in its present form is deleted in its entirety, since the proposed revision of sec. 5 (b) (5) deals with the same subject matter. The above version of sec. 5 (b) (6) supplies an explicit authority to issue leases, made necessary by the deletion from sec. 5 (b) (7) (see below) of the reservation of source materials to the United States.]

"(c) Section 5 (b) (7) is revised to read:

"(7) PUBLIC LANDS.—No individual, corporation, partnership, or association, which had any part, directly or indirectly, in the development of the atomic bomb project, may benefit by any location, entry, or settlement upon the public domain made after such individual, corporation, partnership, or association took part in such project, if such individual, corporation, partnership, or association, by reason of having had such part in the development of the atomic bomb project, acquired confidential official information as to the existence of deposits of such uranium, thorium, or other materials in the specific lands upon which such location, entry, or settlement is made, and subsequent to the date of the enactment of this Act made such location, entry, or settlement or caused the same to be made for his, or its, or their benefit. In cases where any patent, conveyance, lease, permit, or other authorization has been issued, which reserved to the United States source materials and the right to enter upon the land and prospect for, mine, and remove the same, the head of the department or agency which issued the patent, conveyance, lease, permit, or other authorization shall, on application of the holder thereof, issue a new or supplemental patent, conveyance, lease, permit, or other authorization without such reservation.' "

[NOTE.—The foregoing retains one sentence from sec. 5 (b) (7) in its present form. It deletes the remainder of sec. 5 (b) (7), all of which relates to the reservation to the United States of source materials. It adds a sentence authorizing the relinquishment of such reservations where they have been made in the past.]

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington 25, D. C., May 19, 1954.

HON. A. L. MILLER,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington 25, D. C.*

MY DEAR DR. MILLER: This is in reply to the request of your committee for a report on H. R. 8896, a bill to amend the mineral leasing laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes. This bill supersedes H. R. 8827 and is a companion bill to S. 3344.

I recommend the enactment of this bill.

The United States mining laws provide for the location of mining claims on public lands containing valuable mineral deposits (30 U. S. C., sec. 22 et seq.). After February 25, 1920, deposits of coal, phosphate, sodium, potassium, oil, oil shale, or gas became subject to disposition under the Mineral Leasing Laws (30 U. S. C., sec. 181 et seq.). Section 37 of the 1920 act provided that, except as to valid claims then existing, such deposits could be disposed of only under the mineral leasing laws (30 U. S. C., sec. 193). Lands which were known to be valuable for minerals subject to the leasing laws or which were included in leases, permits, or applications or offers therefor could no longer be acquired under the mining laws.

To permit multiple development of lands in these latter categories, Congress passed the act of August 12, 1953 (67 Stat. 539) which, under certain conditions, validated mining claims located on such lands after July 31, 1939, but not later than December 31, 1952. H. R. 8896 would make some revisions in the terms of the 1953 act, but, in general, holders of such mining claims located after December 31, 1952, and prior to February 10, 1954, would be given the same benefits as those

located prior to January 1, 1953, and these benefits would apply to a mining location which is made after the enactment of H. R. 8896.

The first three sections of H. R. 8896 provide for the validation of mining claims located subsequent to July 31, 1939, and prior to February 10, 1954, together with provisions for the conversion, at the election of the owners thereof, of uranium leases issued by the Atomic Energy Commission and applications for such uranium leases.

Sections 4 through 8 are provisions of general application modifying the mineral leasing laws and the mining laws in certain significant respects in the interests of encouraging multiple mineral development on mining claims and lands previously subject to mineral development only under the mineral leasing laws.

Section 9 would revise section 5 (b) (7) of the Atomic Energy Act of 1946 (42 U. S. C., sec. 1805) and section 3 of the act of August 12, 1953, *supra*, to remove any doubts that mining claims have been and may be validly located for valuable deposits of fissionable source materials. This provision appears to be of utmost importance to the maintenance of an adequate supply of fissionable source materials. However, this Department defers to the views of the Atomic Energy Commission with respect to the specific language proposed.

The following section-by-section discussion is limited to the important additions to or changes in the provisions of existing law (including the act of August 12, 1953, *supra*).

The provision in section 1 of the bill calling for posting and recording of amended notices of location is patterned after the 1953 act. However, if the claimant previously has filed a lease application or obtained a lease under Domestic Uranium Program Circular 7 of the Atomic Energy Commission for the same land, he would be required to file with the Commission a withdrawal of any such application or a release of any such lease and to record a notice of his withdrawal or release in the office where his notice of mining location shall have been filed. This provision seems very desirable, since it should tend to clarify the record title where both uranium leases and mining claims would otherwise cover the same land.

Section 2 deals with possible conflicts which may arise between mining claimants. The first possible conflict dealt with is that between (a) mining claims located prior to January 1, 1953, and (b) claims located after December 31, 1952, but prior to February 10, 1954. The second possible conflict mentioned is between (c) claims located prior to February 10, 1954, and (d) claims located after the date of enactment of these bills. In the case of the first possible conflict, claims in category (b) are to be presumed as located December 11, 1953, which is the day following the last date for recording category (a) mining claims under the 1953 act. In the case of the second possible conflict, claims in category (d) are to be presumed as located 121 days after enactment of the bill, that is, the day following the last date for recording category (c) mining claims.

Section 3 gives the holder of any pending uranium lease application or of a uranium lease a preference right to locate a mining claim within 120 days after the enactment date as against claimants attempting to locate a claim after the date of enactment. Provision is made for priorities among conflicting claimants to this preference right.

Under section 4 of the bill all mining claims and millsites located after enactment would be subject to a reservation to the United States of Leasing Act minerals. All claims validated by the bill would also be subject to such a reservation.

Section 5 expressly provides for the location, after enactment, of mining claims on lands valuable for leasable minerals, or included in a mineral lease or permit, or an application or offer for a mineral lease or permit.

Section 6 of the bill would set up legal standards for leasing act and mining operations on the same lands. Each type of operation generally would be required to be conducted so as not to endanger or materially interfere with any existing surface or underground improvements, workings, or facilities made for the other type of operation, or with the utilization of such improvement, workings, or facilities. An exception is provided permitting such injury or damage if a court of competent jurisdiction finds that the refusal to permit the injury or damage would cause greater damage than that which would result to the existing improvements, workings, or facilities, or from interference with the utilization thereof, if the use were allowed. However, fair compensation would be required. Provision is also made for interchange of information and reasonable access to each other's facilities, workings and improvements.

Section 7 authorizes publication of notice of any Leasing Act permit, lease, or application or offer for such permit or lease. The mining claimant may file a claim to minerals subject to the mineral leasing laws by reason of his mining location.

If he does not file his claim within 150 days after the date of first publication of the notice, any claim or right to these minerals by the locator will be deemed to be relinquished. If a claim is asserted, this Department would hold hearings to determine the right of the claimant to the minerals. This provision would delay somewhat the issuance of mineral leases and permits, but would furnish the mineral lessee or permittee with some security of title with respect to outstanding claims to the land he wishes to explore or develop. The publication provisions are comparable to those applicable to contests of applications for mineral patents under the mining laws.

A typographical error on page 8, line 6, of the bill may be corrected by striking out the word "law" and inserting in lieu thereof the word "laws." This Department strongly supports this bill since it would encourage fuller mineral development of the public lands.

Since I am informed that there is a particular urgency for the submission of the views of the Department, this report has not been cleared through the Bureau of the Budget and, therefore, no commitment can be made concerning the relationship of the views expressed herein to the program of the President.

Sincerely yours,

ORME LEWIS,
Assistant Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington 25, D. C., June 23, 1954.

Hon. A. L. MILLER,

*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington 25, D. C.*

MY DEAR DR. MILLER: The report of this Department on S. 3344, a bill to amend the mineral leasing laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes, was transmitted to your committee on May 14. In view of information that your committee desired an immediate statement of the views of this Department, the report was submitted without clearance through the Bureau of the Budget.

Subsequent to the transmission of the report on S. 3344, we have been advised by the Bureau of the Budget that the views expressed in that report, as submitted to your committee on May 14, are without objection insofar as the Bureau of the Budget is concerned.

Sincerely yours,

ORME LEWIS,
Assistant Secretary of the Interior.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

THE ATOMIC ENERGY ACT OF 1946 (PUBLIC LAW 585, 79TH CONG., 2D SESS.; 60 STAT. 755)

CONTROL OF MATERIALS

SEC. 5. (b) SOURCE MATERIALS.—

(1) DEFINITION.—As used in this Act, the term "source material" means uranium, thorium, or any other material which is determined by the Commission, with the approval of the President, to be peculiarly essential to the production of fissionable materials; but includes ores only if they contain one or more of the foregoing materials in such concentration as the Commission may by regulation determine from time to time.

(2) LICENSE FOR TRANSFERS REQUIRED.—Unless authorized by a license issued by the Commission, no person may transfer or deliver, receive possession of or title to, or export from the United States any source material after removal from

its place of deposit in nature, except that licenses shall not be required for quantities of source materials which, in the opinion of the Commission, are unimportant.

(3) **ISSUANCE OF LICENSES.**—The Commission shall establish such standards for the issuance, refusal, or revocation of licenses as it may deem necessary to assure adequate source materials for production, research, or development activities pursuant to this Act or to prevent the use of such materials in a manner inconsistent with the national welfare. Licenses shall be issued in accordance with such procedures as the Commission may by regulation establish.

(4) **REPORTING.**—The Commission is authorized to issue such regulations or orders requiring reports of ownership, possession, extraction, refining, shipment, or other handling of source materials as it may deem necessary, except that such reports shall not be required with respect to (A) any source material prior to removal from its place of deposit in nature, or (B) quantities of source materials which in the opinion of the Commission are unimportant or the reporting of which will discourage independent prospecting for new deposits.

[(5) **ACQUISITION.**—The Commission is authorized and directed to purchase, take, requisition, condemn, or otherwise acquire, supplies of source materials or any interest in real property containing deposits of source materials to the extent it deems necessary to effectuate the provisions of this Act. Any purchase made under this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and partial and advance payments may be made thereunder. The Commission may establish guaranteed prices for all source materials delivered to it within a specified time. Just compensation shall be made for any property taken, requisitioned, or condemned under this paragraph.]

(5) **ACQUISITION.**—*The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this Act, to purchase, take, requisition, condemn, or otherwise acquire—*

(A) *supplies of source materials or any interest in real property containing deposits of source materials; and*

(B) *rights to enter upon any real property deemed by it to have possibilities of containing deposits of source materials and to conduct prospecting and exploratory operations for such deposits.*

Any purchase made under this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and partial and advance payments may be made thereunder. The Commission may establish guaranteed prices for all source materials delivered to it within a specified time. Just compensation shall be made for any property or interest in property purchased, taken, requisitioned, condemned, or otherwise acquired under this paragraph.

[(6) **EXPLORATION.**—The Commission is authorized to conduct and enter into contracts for the conduct of exploratory operations, investigations, and inspections to determine the location, extent, mode of occurrence, use, or conditions of deposits or supplies of source materials, making just compensation for any damage or injury occasioned thereby. Such exploratory operations may be conducted only with the consent of the owner, but such investigations and inspections may be conducted with or without such consent.]

(6) **OPERATIONS ON LANDS BELONGING TO THE UNITED STATES.**—*The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this Act, to issue leases or permits for prospecting for, exploration for, mining, or removal of deposits of source materials (or for any or all of these purposes) in lands belonging to the United States.*

[(7) **PUBLIC LANDS.**—All uranium, thorium, and all other materials determined pursuant to paragraph (1) of this subsection to be peculiarly essential to the production of fissionable material, contained, in whatever concentration, in deposits in the public lands are hereby reserved for the use of the United States subject to valid claims, rights, or privileges existing on the date of the enactment of this Act: *Provided, however,* That no individual, corporation, partnership, or association, which had any part, directly or indirectly, in the development of the atomic bomb project, may benefit by any location, entry, or settlement upon the public domain made after such individual, corporation, partnership, or association took part in such project, if such individual, corporation, partnership, or association, by reason of having had such part in the development of the atomic

bomb project, acquired confidential official information as to the existence of deposits of such uranium, thorium, or other materials in the specific lands upon which such location, entry, or settlement is made, and subsequent to the date of the enactment of this Act made such location, entry, or settlement or caused the same to be made for his, its, or their benefit. The Secretary of the Interior shall cause to be inserted in every patent, conveyance, lease, permit, or other authorization hereafter granted to use the public lands or their mineral resources, under any of which there might result the extraction of any materials so reserved, a reservation to the United States of all such materials, whether or not of commercial value together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby. Any lands so patented, conveyed, leased, or otherwise disposed of may be used, and any rights under any such permit or authorization may be exercised, as if no reservation of such materials had been made under this subsection; except that, when such use results in the extraction of any such material from the land in quantities which may not be transferred or delivered without a license under this subsection, such material shall be the property of the Commission and the Commission may require delivery of such material to it by any possessor thereof after such material has been separated as such from the ores in which it was contained. If the Commission requires the delivery of such material to it, it shall pay to the person mining or extracting the same, or to such other person as the Commission determines to be entitled thereto, such sums, including profits, as the Commission deems fair and reasonable for the discovery, mining, development, production, extraction, and other services performed with respect to such material prior to such delivery, but such payment shall not include any amount on account of the value of such material before removal from its place of deposit in nature. If the Commission does not require delivery of such material to it, the reservation made pursuant to this paragraph shall be of no further force or effect. **1**

(7) *PUBLIC LANDS.*—No individual, corporation, partnership, or association, which had any part, directly or indirectly, in the development of the atomic bomb project, may benefit by any location, entry, or settlement upon the public domain made after such individual, corporation, partnership, or association took part in such project, if such individual, corporation, partnership, or association, by reason of having had such part in the development of the atomic bomb project, acquired confidential official information as to the existence of deposits of such uranium, thorium, or other materials in the specific lands upon which such location, entry, or settlement is made, and subsequent to the date of the enactment of this Act made such location, entry, or settlement or caused the same to be made for his, or its, or their benefit. In cases where any patent, conveyance, lease, permit, or other authorization has been issued, which reserved to the United States source materials and the right to enter upon the land and prospect for, mine, and remove the same, the head of the department or agency which issued the patent, conveyance, lease, permit, or other authorization shall, on application of the holder thereof, issue a new or supplemental patent, conveyance, lease, permit, or other authorization without such reservation.

APPENDIX

(The act of August 12, 1953 [67 Stat. 539], to which reference is made in H. R. 8896, is set forth below.)

PUBLIC LAW 250, 83D CONGRESS, CHAPTER 405, 1ST SESSION, S. 1397

AN ACT Relating to mining claims located on land with respect to which a permit or lease has been issued, or an application or offer for permit or lease has been made, under the mineral leasing laws, or known to be valuable for minerals subject to disposition under the mineral leasing laws, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to the provisions of this Act and to any valid intervening rights acquired under laws of the United States, any mining claim located under the mining laws of the United States subsequent to July 31, 1939, and prior to January 1, 1953, on lands of the United States which were, at the time of such location—

- (1) included in a permit or lease issued under the mineral leasing laws; or
- (2) covered by an application or offer for a permit or lease which had been filed under the mineral leasing laws; or

(3) known to be valuable for minerals subject to disposition under the mineral leasing laws; shall be effective to the same extent as if such mining claim had been located on lands which were at the time of such location subject to location under the mining laws of the United States; *Provided, however,* That in order to obtain the benefits of this Act, the owner of any such mining claim shall, not later than one hundred and twenty days after the date of enactment of this Act, post on such claim in the manner required for posting notice of location of mining claims and file for record in the office where the notice or certificate of location of such claim is of record an amended notice of location of such claim, stating that such notice is filed pursuant to the provisions of this Act and for the purpose of obtaining the benefits thereof.

(b) Labor performed or improvements made upon or for the benefit of such mining claims after the original location thereof shall be recognized as applicable thereto for all purposes to the same extent as labor performed and improvements made upon or for the benefit of mining claims which are not affected by this Act.

(c) Any withdrawal or reservation made after the original location of such mining claim affecting land covered by such mining claim is hereby modified and amended so that the effect thereof upon such mining claim shall be the same as if such mining claim had been located upon lands of the United States, which, subsequent to July 31, 1939, and prior to the date of such withdrawal, were subject to location under the mining laws of the United States.

SEC. 2. Any mining claim given force and effect as provided in section 1 of this Act shall be subject to the reservation to the United States of all minerals which, upon the effective date of this Act, are provided in the mineral leasing laws to be disposed of thereunder, and the right of the United States, its lessees, permittees, and licensees, to enter upon the land covered by such mining claim to prospect for, mine, treat, store, and remove such minerals, and to use so much of the surface and subsurface of such mining claim as may be necessary for such purposes, and to enter upon such land whenever reasonably necessary for the purpose of prospecting for, mining, treating, storing, and removing such minerals on and from other lands of the United States; and any patent issued for any such mining claim shall contain such reservation.

SEC. 3. The rights under any mining claim given force and effect by this Act shall also be subject to the reservation to the United States specified in section 5 (b) (7) of the Atomic Energy Act of 1946, as amended, and, in addition, any reservation or reservations required by any other provision or provisions of law; and any patent issued for such mining claim shall contain such reservations.

SEC. 4. Except as this Act provides for (a) validation of certain mining claims located on lands described in section 1 of this Act, and (b) the modification and amendment of certain withdrawals or reservations of land, nothing in this Act shall affect any power or authority duly vested in the Atomic Energy Commission or any other agency, department, or officer of the United States to make leases, withdrawals, reservations, or other arrangements with respect to source materials as defined in section 5 (b) (1) of the Atomic Energy Act of 1946, as amended.

SEC. 5. As used in this Act "mineral leasing laws" shall mean the Act of October 20, 1914 (38 Stat. 741); the Act of February 25, 1920 (41 Stat. 437); the Act of April 17, 1926 (44 Stat. 301); the Act of February 7, 1927 (44 Stat. 1057) and all Acts heretofore or hereafter enacted which are amendatory of or supplementary to any of the foregoing Acts.

Approved August 12, 1953.

○

Union Calendar No. 736

83^D CONGRESS
2^D SESSION

H. R. 8896

[Report No. 2028]

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 1954

MR. DAWSON of Utah introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

JULY 6, 1954

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend the mineral leasing laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, ~~(a)~~ subject to the conditions and provisions of this
4 Act and to any valid intervening rights acquired under the
5 laws of the United States, any mining claim located under
6 the mining laws of the United States subsequent to July 31,

1 1939, and prior to February 10, 1954, on lands of the
2 United States, which at the time of location were—

3 ~~(1)~~ included in a permit or lease issued under the
4 mineral leasing laws; or

5 ~~(2)~~ covered by an application or offer for a permit
6 or lease which had been filed under the mineral leasing
7 laws; or

8 ~~(3)~~ known to be valuable for minerals subject to
9 disposition under the mineral leasing laws,

10 shall be effective to the same extent in all respects as if
11 such lands at the time of location, and at all times there-
12 after, had not been so included or covered or known: *Pro-*
13 *vided, however,* That in order to be entitled to the benefits
14 of this Act, the owner of any such mining claim located
15 prior to January 1, 1953, must have posted and filed for
16 record, within the time allowed by the provisions of the
17 Act of August 12, 1953 (67 Stat. 539), an amended notice
18 of location as to such mining claim, stating that such notice
19 was filed pursuant to the provisions of said Act of August 12,
20 1953, and for the purpose of obtaining the benefits
21 thereof: *And provided further,* That, in order to obtain the
22 benefits of this Act, the owner of any such mining claim
23 located subsequent to December 31, 1952, and prior to
24 February 10, 1954, not later than one hundred and twenty
25 days after the date of enactment of this Act, must post on

1 such claim in the manner required for posting notice of
2 location of mining claims and file for record in the office
3 where the notice or certificate of location of such claim
4 is of record an amended notice of location for such claim,
5 stating that such notice is filed pursuant to the provisions of
6 this Act and for the purpose of obtaining the benefits thereof
7 and, within said one hundred and twenty day period, if such
8 owner shall have filed a uranium lease application as to the
9 tract covered by such mining claim, must file with the
10 Atomic Energy Commission a withdrawal of such uranium
11 lease application or, if a uranium lease shall have issued
12 pursuant thereto, a release of such lease, and must record
13 a notice of the filing of such withdrawal or release in the
14 county office wherein such notice or certificate of location
15 shall have been filed for record.

16 ~~(b)~~ Labor performed or improvements made after the
17 original location of and upon or for the benefit of any mining
18 claim which shall be entitled to the benefits of this Act under
19 the provisions of subsection ~~(a)~~ of this section 1, shall be
20 recognized as applicable to such mining claim for all pur-
21 poses to the same extent as if the validity of such mining claim
22 were in no respect dependent upon the provisions of this Act.

23 ~~(c)~~ As to any land covered by any mining claim which
24 is entitled to the benefits of this Act under the provisions of
25 subsection ~~(a)~~ of this section 1, any withdrawal or reserva-

1 tion of lands made after the original location of such mining
2 claim is hereby modified and amended so that the effect
3 thereof upon such mining claim shall be the same as if such
4 mining claim had been located upon lands of the United
5 States which, subsequent to July 31, 1939, and prior to the
6 date of such withdrawal or reservation, were subject to
7 location under the mining laws of the United States.

8 SEC. 2. ~~(a)~~ If any mining claim which shall have been
9 located subsequent to December 31, 1952, and prior to
10 February 10, 1954, and which shall be entitled to the
11 benefits of this Act, shall cover any lands embraced within
12 any mining claim which shall have been located prior to
13 January 1, 1953, and which shall be entitled to the benefits
14 of this Act, then as to such area of conflict said mining
15 claim so located subsequent to December 31, 1952, shall be
16 deemed to have been located December 11, 1953.

17 ~~(b)~~ If any mining claim hereafter located shall cover
18 any lands embraced within any mining claim which shall
19 have been located prior to February 10, 1954, and which
20 shall be entitled to the benefits of this Act, then as to such
21 area of conflict said mining claim hereafter located shall be
22 deemed to have been located one hundred and twenty-one
23 days after the date of the enactment of this Act.

24 SEC. 3. ~~(a)~~ Subject to the conditions and provisions of
25 this Act and to any valid prior rights acquired under the

1 laws of the United States, the owner of any pending uranium
2 lease application or of any uranium lease shall have, for a
3 period of one hundred and twenty days after the date of
4 enactment of this Act, as limited in subsection (b) of this
5 section 3, the right to locate mining claims upon the lands
6 covered by said application or lease.

7 (b) Any rights under any such mining claim so here-
8 after located pursuant to the provisions of subsection (a)
9 of this section 3 shall be subject to any rights of the owner
10 of any mining claim which was located prior to February
11 10, 1954, and which was valid at the date of the en-
12 actment of this Act or which may acquire validity under
13 the provisions of this Act. As to any lands covered by a
14 uranium lease and also by a pending uranium lease appli-
15 cation, the right of mining location under this section 3,
16 as between the owner of said lease and the owner of said
17 application, shall be deemed as to such conflict area to
18 be vested in the owner of said lease. As to any lands
19 embraced in more than one such pending uranium lease
20 application, such right of mining location, as between the
21 owners of such conflicting applications, shall be deemed
22 to be vested in the owner of the prior application. Priority
23 of such an application shall be determined by the time of
24 posting on a tract of a notice of lease application in ac-
25 cordance with paragraph (c) of the Atomic Energy Com-

1 mission's Domestic Uranium Program Circular 7 (10
2 C. F. R. 60.7 (c)) provided there shall have been timely
3 compliance with the other provisions of said paragraph
4 (c) or, if there shall not have been such timely compliance,
5 then by the time of the filing of the uranium lease appli-
6 cation with the Atomic Energy Commission. Any rights
7 under any mining claim located under the provisions of this
8 section 3 shall terminate at the expiration of thirty days
9 after the filing for record of the notice or certificate of
10 location of such mining claim unless, within said thirty-
11 day period, the owner of the uranium lease application
12 or uranium lease upon which the location of such mining
13 claim was predicated shall have filed with the Atomic
14 Energy Commission a withdrawal of said application or
15 a release of said lease and shall have recorded a notice
16 of the filing of such withdrawal or release in the county
17 office wherein such notice or certificate of location shall
18 be of record.

19 (c) Except as otherwise provided in subsections (a)
20 and (b) of this section 3, no mining claim hereafter located
21 shall be valid as to any lands which at the time of such loca-
22 tion were covered by a uranium lease application or a
23 uranium lease. Any tract upon which a notice of lease
24 application has been posted in accordance with said
25 paragraph (c) of said Circular 7 shall be deemed to have been

1 included in a uranium lease application from and after the
2 time of the posting of such notice of lease application: *Pro-*
3 *vided*, That there shall have been timely compliance with
4 the other provisions of said paragraph (c) or, if there shall
5 not have been such timely compliance, then from and after
6 the time of the filing of a uranium lease application with the
7 Atomic Energy Commission.

8 SEC. 4. Every mining claim or millsite hereafter located
9 under the mining laws of the United States and every min-
10 ing claim or millsite heretofore so located which shall be
11 entitled to benefits under the first three sections of this Act
12 shall be subject to a reservation to the United States of all
13 Leasing Act minerals and of the right (as limited in section 6
14 hereof) of the United States, its lessees, permittees, and
15 licensees to enter upon the land covered by such mining
16 claim or millsite and to prospect for, drill for, mine, treat,
17 store, transport, and remove Leasing Act minerals and to
18 use so much of the surface and subsurface of such mining
19 claim or millsite as may be necessary for such purposes, and
20 whenever reasonably necessary, for the purpose of pros-
21 pecting for, drilling for, mining, treating, storing, transport-
22 ing, and removing Leasing Act minerals on and from other
23 lands; and any patent issued for any such mining claim or
24 millsite shall contain such reservation.

25 SEC 5. Subject to the conditions and provisions of this

1 Act, mining claims and millsites may hereafter be located
2 under the mining laws of the United States on lands of the
3 United States which at the time of location are—

4 ~~(a)~~ included in a permit or lease issued under the
5 mineral leasing laws; or

6 ~~(b)~~ covered by an application or offer for a permit
7 or lease filed under the mineral leasing law; or

8 ~~(c)~~ known to be valuable for minerals subject to
9 disposition under the mineral leasing laws;

10 to the same extent in all respects as if such lands were not
11 so included or covered or known.

12 SEC. 6. ~~(a)~~ Where the same lands are being utilized for
13 mining operations and Leasing Act operations, each of such
14 operations shall be conducted, so far as reasonably practi-
15 cable, in a manner compatible with such multiple use.

16 ~~(b)~~ Any mining operations pursuant to rights under any
17 unpatented or patented mining claim or millsite which shall
18 be subject to a reservation to the United States of Leasing Act
19 minerals as provided in this Act, shall be conducted, so far
20 as reasonably practicable, in a manner which will avoid
21 damage to any known deposit of any Leasing Act mineral.
22 Subject to the provisions of subsection ~~(d)~~ of this section 6,
23 mining operations shall be so conducted as not to endanger
24 or materially interfere with any existing surface or under-
25 ground improvements, workings, or facilities which may have

1 been made for the purpose of Leasing Act operations, or
2 with the utilization of such improvements, workings, or
3 facilities.

4 (c) Any Leasing Act operations on lands covered by an
5 unpatented or patented mining claim or millsite which shall
6 be subject to a reservation to the United States of Leasing
7 Act minerals as provided in this Act, shall be conducted, so
8 far as reasonably practicable, in a manner which will avoid
9 damage to any known deposit of any mineral not so reserved
10 from such mining claim or millsite. Subject to the provi-
11 sions of subsection (d) of this section 6, Leasing Act opera-
12 tions shall be so conducted as not to endanger or materially
13 interfere with any existing surface or underground improve-
14 ments, workings, or facilities which may have been made
15 for the purpose of mining operations, or with the utilization
16 of such improvements, workings, or facilities.

17 (d) If, upon petition of either the mining operator or
18 the Leasing Act operator, any court of competent jurisdiction
19 shall find that a particular use in connection with one of
20 such operations cannot be reasonably and properly conducted
21 without endangering or materially interfering with the then
22 existing improvements, workings, or facilities of the other of
23 such operations or with the utilization thereof, and shall find
24 that under the conditions and circumstances, as they then

1 appear, the injury or damage which would result from denial
2 of such particular use would outweigh the injury or damage
3 which would result to such then existing improvements, work-
4 ings, or facilities, or from interference with the utilization
5 thereof if that particular use were allowed, then and in such
6 event such court may permit such use upon payment (or
7 upon furnishing of security determined by the court to be
8 adequate to secure payment) to the party or parties who
9 would be thus injured or damaged, of an amount to be fixed
10 by the court as constituting fair compensation for the then
11 reasonably contemplated injury or damage which would re-
12 sult to such then existing improvements, workings, or facili-
13 ties or from interference with the utilization thereof by reason
14 of the allowance of such particular use.

15 (c) Where the same lands are being utilized for mining
16 operations and Leasing Act operations, then upon request of
17 the party conducting either of said operations, the party
18 conducting the other of said operations shall furnish to and
19 at the expense of such requesting party copies of any infor-
20 mation which said other party may have, as to the situs of
21 any improvements, workings, or facilities theretofore made
22 upon such lands, and upon like request, shall permit such
23 requesting party, at the risk of such requesting party, to
24 have access at reasonable times to any such improvements,
25 working, or facilities for the purpose of surveying and check-

ing or determining the situs thereof. If damage to or material interference with a party's improvements, workings, facilities, or with the utilization thereof shall result from such party's failure, after request, to so furnish to the requesting party such information or from denial of such access, such failure or denial shall relieve the requesting party of any liability for the damage or interference resulting by reason of such failure or denial. Failure of a party to furnish requested information or access shall not impose upon such party any liability to the requesting party other than for such costs of court and attorney's fees as may be allowed to the requesting party in enforcing by court action the obligations of this section as to the furnishing of information and access. The obligation hereunder of any party to furnish requested information shall be limited to map and survey information then available to such party with respect to the situs of improvements, workings, and facilities and the furnishing thereof shall not be deemed to constitute any representation as to the accuracy of such information.

SEC. 7. (a) Any applicant, offeror, permittee, or lessee under the mineral leasing laws may file in the office of the Secretary of the Interior, or in such office as he may designate, a request for publication of notice of such application, offer, permit, or lease. The filing of such request for publication shall be accompanied by an affidavit or affidavits

1 of a person or persons over twenty-one years of age setting
2 forth that the affiant or affiants have examine dthe lands
3 involved in a reasonable effort to ascertain whether any
4 person or persons were in actual possession of or engaged
5 in the working of such lands or any part thereof, and, if
6 no person or persons were found to be in actual possession
7 of or engaged in the working of said lands or any part thereof
8 on the date of such examination, setting forth such fact, or,
9 if any person or persons were so found to be in actual pos-
10 sion or engaged in such working on the date of such exam-
11 ination, setting forth the name and address of each such per-
12 son, unless affiant shall have been unable through reasonable
13 inquiry to obtain information as to the name and address of
14 any such person, in which event the affidavit shall set forth
15 fully the nature and results of such inquiry.

16 Thereupon the Secretary of the Interior, or his desig-
17 nated representative, at the expense of the requesting per-
18 son (who, prior to the commencement of publication, must
19 furnish the agreement of the publisher to hold such re-
20 questing person alone responsible for charges of publi-
21 cation, shall cause notice of such application, offer, per-
22 mit, or lease to be published in a newspaper having general
23 circulation in the county in which the lands involved are
24 situate.

25 Such notice shall describe the lands covered by such

1 application, offer, permit, or lease and shall notify whom-
2 ever it may concern that if any person claiming or assert-
3 ing under, or by virtue of, any unpatented mining claim,
4 any right or interest in Leasing Act minerals as to such
5 lands or any part thereof, shall fail to file in the office
6 where such request for publication was filed (which office
7 shall be specified in such notice) and within one hundred
8 fifty days from the date of the first publication of such
9 notice, a verified statement which shall set forth, as to
10 such unpatented mining claim;

11 ~~(1)~~ The date of location;

12 ~~(2)~~ The book and page of recordation of the notice
13 or certificate of location;

14 ~~(3)~~ The section or sections of the public land sur-
15 veys which embrace such mining claim; or if such lands
16 are unsurveyed, either the section or sections which
17 would probably embrace such mining claim when the
18 public land surveys are extended to such lands or a
19 tie by courses and distances to an approved United
20 States mineral monument;

21 ~~(4)~~ Whether such claimant is a locator or pur-
22 chaser under such location; and

23 ~~(5)~~ The name and address of such claimant and
24 names and addresses so far as known to the claimant
25 of any other person or persons claiming any interest

1 or interests in or under such unpatented mining claim;
2 such failure shall be conclusively deemed ~~(i)~~ to constitute a
3 waiver and relinquishment by such mining claimant of any
4 and all right, title, and interest under such mining claim as to,
5 but only as to, Leasing Act minerals, and ~~(ii)~~ to constitute a
6 consent by such mining claimant that such mining claim and
7 any patent issued therefor, shall be subject to the reservation
8 specified in section 4 of this Act, and ~~(iii)~~ to preclude there-
9 after any assertion by such mining claimant of any right or
10 title to or interest in any Leasing Act mineral by reason of
11 such mining claim.

12 If such notice is published in a daily paper, it shall be
13 published in the Wednesday issue for nine consecutive weeks,
14 or, if in a weekly paper, in nine consecutive issues, or, if in a
15 semiweekly or triweekly paper, in the issue of the same day
16 of each week for nine consecutive weeks.

17 Within fifteen days after the date of first publication of
18 such notice, the person requesting such publication ~~(1)~~ shall
19 cause a copy of such notice to be personally delivered to or
20 to be sent by registered mail addressed to each person in pos-
21 session or engaged in the working of the land whose name
22 and address is shown by an affidavit filed as aforesaid, and to
23 each person who may have filed, as to any lands described in
24 said notice, a request for notices, as provided in subsection ~~(d)~~
25 of this section 7, and ~~(2)~~ shall file in the office where said

1 request for publication was filed an affidavit showing that
2 copies have been so delivered or mailed.

3 ~~(b)~~ If any claimant under any unpatented mining claim
4 which embraces any of the lands described in any notice
5 published in accordance with the provisions of subsection
6 ~~(a)~~ of this section 7 shall fail to file a verified statement,
7 as above provided, within one hundred and fifty days from
8 the date of the first publication of such notice, such failure
9 shall be conclusively deemed, except as otherwise provided
10 in subsection ~~(c)~~ of this section 7, ~~(i)~~ to constitute a waiver
11 and relinquishment by such mining claimant of any and all
12 right, title, and interest under such mining claim as to, but
13 only as to, Leasing Act minerals, and ~~(ii)~~ to constitute
14 a consent by such mining claimant that such mining claim
15 and any patent issued therefor, shall be subject to the reser-
16 vation specified in section 4 of this Act, and ~~(iii)~~ to pre-
17 clude thereafter any assertion by such mining claimant of
18 any right or title to or interest in any Leasing Act mineral
19 by reason of such mining claim.

20 ~~(c)~~ If any verified statement shall be filed by a mining
21 claimant as provided in subsection ~~(a)~~ of this section 7, then
22 the Secretary of the Interior or his designated representative
23 shall fix a time and place for a hearing to determine the
24 validity and effectiveness of the mining claimant's asserted
25 right or interest in Leasing Act minerals. The procedures

1 with respect to notice of such a hearing and the conduct
2 thereof, and in respect to appeals shall follow the then estab-
3 lished general procedures and rules of practice of the Depart-
4 ment of the Interior in respect to contests or protests affect-
5 ing public lands of the United States. If at any time prior
6 to a hearing the person requesting publication of notice and
7 any person filing a verified statement pursuant to such notice
8 shall so stipulate, then to the extent so stipulated, but only
9 to such extent, no hearing shall be held with respect to
10 rights asserted under that verified statement, and to the
11 extent defined by the stipulation the rights asserted under
12 that verified statement shall be deemed to be unaffected by
13 that particular published notice.

14 (d) Any person claiming any right in Leasing Act min-
15 erals under or by virtue of any unpatented mining claim and
16 desiring to receive a copy of any notice of any application,
17 offer, permit, or lease which may be published as above pro-
18 vided in subsection (a) of this section 7, and which may
19 affect lands embraced in such mining claim, may cause to
20 be filed for record in the county office of record where the
21 notice or certificate of location of such mining claim shall
22 have been recorded, a duly acknowledged request for a
23 copy of any such notice. Such request for copies shall set
24 forth the name and address of the person requesting copies

1 and shall also set forth, as to each mining claim under which
2 such person asserts rights in Leasing Act minerals:

3 ~~(1)~~ the date of location;

4 ~~(2)~~ the book and page of the recordation of the
5 notice or certificate of location; and

6 ~~(3)~~ the section or sections of the public land sur-
7 veys which embrace such mining claim; or if such lands
8 are unsurveyed, either the section or sections which
9 would probably embrace such mining claim when the
10 public land surveys are extended to such lands or a
11 tie by courses and distances to an approved United States
12 mineral monument.

13 Other than in respect to the requirements of subsection ~~(a)~~
14 of this section 7 as to personal delivery or mailing of copies
15 of notices and in respect to the provisions of subsection ~~(c)~~
16 of this section 7, no such request for copies of published
17 notices and no statement or allegation in such request and
18 no recordation thereof shall affect title to any mining claim
19 or to any land, or be deemed to constitute constructive notice
20 to any person that the person requesting copies has, or
21 claims, any right, title, or interest in or under any mining
22 claim referred to in such request.

23 ~~(e)~~ If any applicant, offeror, permittee, or lessee shall

1 fail to comply with the requirements of subsection (a) of
2 this section 7 as to the personal delivery or mailing of a
3 copy of notice to any person, the publication of such notice
4 shall be deemed wholly ineffectual as to that person or as to
5 the rights asserted by that person and the failure of that
6 person to file a verified statement, as provided in such notice,
7 shall in no manner affect, diminish, prejudice or bar any
8 rights of that person.

9 SEC. 8. The owner or owners of any mining claim
10 heretofore located may, at any time prior to issuance of
11 patent therefor, waive and relinquish all rights thereunder to
12 Leasing Act minerals. The execution and acknowledgment
13 of such a waiver and relinquishment by such owner or
14 owners and the recordation thereof in the office where the
15 notice or certificate of location of such mining claim is of
16 record shall render such mining claim thereafter subject to
17 the reservation referred to in section 4 of this Act and any
18 patent issued therefor shall contain such a reservation, but
19 no such waiver or relinquishment shall be deemed in any
20 manner to constitute any concession as to the date of priority
21 of rights under said mining claim or as to the validity
22 thereof.

23 SEC. 9. Notwithstanding the provisions of the Atomic
24 Energy Act, and particularly section 5 (b) (7) thereof,
25 or the provisions of the Act of August 12, 1953 (67 Stat.

1 539), and particularly section 3 thereof, any mining claim,
2 whether heretofore or hereafter located under the mining
3 laws of the United States, for, or based upon a discovery of
4 a mineral deposit which is a fissionable source material and
5 which, except for the possible contrary construction of the
6 Atomic Energy Act, would have been or would be locatable
7 under such mining laws, shall be valid and effective in
8 all respects to the same extent as if said mineral deposit
9 were a locatable mineral deposit other than a fissionable
10 source material. Notwithstanding the provisions of said
11 section 5 (b) (7) of the Atomic Energy Act no mining
12 claim heretofore or hereafter located under the mining laws
13 of the United States shall be subject to, and no mineral
14 patent hereafter issued shall contain, a reservation to the
15 United States of fissionable source material, but the United
16 States, its agents or representatives, shall have the right at
17 any time to enter upon the land to prospect for, mine and
18 remove fissionable source material upon making just com-
19 pensation for any damage or injury occasioned thereby:
20 *Provided*, That no such right of entry shall be exercised
21 unless the Atomic Energy Commission shall have determined
22 that the security needs of the United States require emer-
23 gency production of fissionable source materials: *Provided*
24 *further*, That the amounts to be paid to the owners of rights
25 under any such mining claim for any fissionable source

1 material so mined and removed by the United States, its
2 agents or representatives, shall be such amounts as the Com-
3 mission in its discretion deems to be fair and reasonable.

4 SEC. 10. As used in this Act "mineral leasing laws"
5 shall mean the Act of October 20, 1914 (38 Stat. 741);
6 the Act of February 25, 1920 (41 Stat. 437); the Act
7 of April 17, 1926 (44 Stat. 301); the Act of February 7,
8 1927 (44 Stat. 1057); and all Acts heretofore or here-
9 after enacted which are amendatory of or supplementary
10 to any of the foregoing Acts; "Leasing Act minerals" shall
11 mean all minerals which, upon the effective date of this
12 Act, are provided in the mineral leasing laws to be disposed
13 of thereunder, "Leasing Act operations" shall mean opera-
14 tions conducted under a lease, permit, or license issued under
15 the mineral leasing laws in or incidental to prospecting for,
16 drilling for, mining, treating, storing, transporting, or re-
17 moving Leasing Act minerals; "mining operations" shall
18 mean operations under any unpatented or patented mining
19 claim or millsite in or incidental to prospecting for, mining,
20 treating, storing, transporting, or removing minerals other
21 than Leasing Act minerals and any other use under any
22 claim of right or title based upon such mining claim or
23 millsite; "Leasing Act operator" shall mean any party who
24 shall conduct Leasing Act operations; "mining operator"
25 shall mean any party who shall conduct mining operations;

1 “Atomic Energy Act” shall mean the Act of August 1,
2 1946 (60 Stat. 755), and all heretofore enacted Acts which
3 are amendatory of or supplementary to said Act; “Atomic
4 Energy Commission” shall mean the United States Atomic
5 Energy Commission established under the Atomic Energy
6 Act or any amendments thereof; “fissionable source material”
7 shall mean uranium, thorium, and all other materials referred
8 to in section 5 (b) (7) of the Atomic Energy Act as re-
9 served or to be reserved to the United States; “uranium lease
10 application” shall mean an application for a uranium lease
11 filed with said Commission pursuant to the provisions of its
12 Domestic Uranium Program Circular 7 (10 C. F. R. 60.7);
13 “uranium lease” shall mean a uranium mining lease issued
14 by said Commission pursuant to the provisions of said Cir-
15 cular; and “person” shall mean any individual, corporation,
16 partnership, or other legal entity.

17 SEC. 11. If any provision of this Act, or the applica-
18 tion of such provision to any person or circumstances, is
19 held unconstitutional, invalid, or unenforceable, the remain-
20 der of this Act or the application of such provision to per-
21 sons or circumstances other than those as to which it is held
22 unconstitutional, invalid, or unenforceable, shall not be
23 affected thereby.

24 *That, (a) subject to the conditions and provisions of this*

1 Act and to any valid intervening rights acquired under the
2 laws of the United States, any mining claim located under
3 the mining laws of the United States subsequent to July 31,
4 1939, and prior to February 10, 1954, on lands of the
5 United States, which at the time of location were—

6 (1) included in a permit or lease issued under the
7 mineral leasing laws; or

8 (2) covered by an application or offer for a permit
9 or lease which had been filed under the mineral leasing
10 laws; or

11 (3) known to be valuable for minerals subject to
12 disposition under the mineral leasing laws,

13 shall be effective to the same extent in all respects as if
14 such lands at the time of location, and at all times there-
15 after, had not been so included or covered or known: Pro-
16 vided, however, That, in order to be entitled to the benefits
17 of this Act, the owner of any such mining claim located
18 prior to January 1, 1953, must have posted and filed for
19 record, within the time allowed by the provisions of the
20 Act of August 12, 1953 (67 Stat. 539), an amended notice
21 of location as to such mining claim, stating that such notice
22 was filed pursuant to the provisions of said Act of August
23 12, 1953, and for the purpose of obtaining the benefits
24 thereof: And provided further, That in order to obtain the
25 benefits of this Act, the owner of any such mining claim

1 located subsequent to December 31, 1952, and prior to
2 February 10, 1954, not later than one hundred and twenty
3 days after the date of enactment of this Act, must post on
4 such claim in the manner required for posting notice of
5 location of mining claims and file for record in the office
6 where the notice or certificate of location of such claim
7 is of record an amended notice of location for such claim,
8 stating that such notice is filed pursuant to the provisions of
9 this Act and for the purpose of obtaining the benefits thereof
10 and, within said one hundred and twenty day period, if such
11 owner shall have filed a uranium lease application as to the
12 tract covered by such mining claim, must file with the
13 Atomic Energy Commission a withdrawal of such uranium
14 lease application or, if a uranium lease shall have issued
15 pursuant thereto, a release of such lease, and must record
16 a notice of the filing of such withdrawal or release in the
17 county office wherein such notice or certificate of location
18 shall have been filed for record.

19 (b) Labor performed or improvements made after the
20 original location of and upon or for the benefit of any mining
21 claim which shall be entitled to the benefits of this Act under
22 the provisions of subsection (a) of this section 1, shall be
23 recognized as applicable to such mining claim for all pur-
24 poses to the same extent as if the validity of such mining claim
25 were in no respect dependent upon the provisions of this Act.

1 (c) As to any land covered by any mining claim which
2 is entitled to the benefits of this Act under the provisions of
3 subsection (a) of this section 1, any withdrawal or reserva-
4 tion of lands made after the original location of such mining
5 claim is hereby modified and amended so that the effect
6 thereof upon such mining claim shall be the same as if such
7 mining claim had been located upon lands of the United
8 States which, subsequent to July 31, 1939, and prior to the
9 date of such withdrawal or reservation, were subject to
10 location under the mining laws of the United States.

11 SEC. 2. (a) If any mining claim which shall have been
12 located subsequent to December 31, 1952, and prior to
13 December 11, 1953, and which shall be entitled to the benefits
14 of this Act, shall cover any lands embraced within any
15 mining claim which shall have been located prior to January
16 1, 1953, and which shall be entitled to the benefits of this Act,
17 then as to such area of conflict said mining claim so located
18 subsequent to December 31, 1952, shall be deemed to have
19 been located December 11, 1953.

20 (b) If any mining claim hereafter located shall cover
21 any lands embraced within any mining claim which shall
22 have been located prior to February 10, 1954, and which
23 shall be entitled to the benefits of this Act, then as to such
24 area of conflict said mining claim hereafter located shall be

1 *deemed to have been located one hundred and twenty-one*
2 *days after the date of the enactment of this Act.*

3 *SEC. 3. (a) Subject to the conditions and provisions of*
4 *this Act and to any valid prior rights acquired under the*
5 *laws of the United States, the owner of any pending uranium*
6 *lease application or of any uranium lease shall have, for a*
7 *period of one hundred and twenty days after the date of*
8 *enactment of this Act, as limited in subsection (b) of this*
9 *section 3, the right to locate mining claims upon the lands*
10 *covered by said application or lease.*

11 *(b) Any rights under any such mining claim so here-*
12 *after located pursuant to the provisions of subsection (a)*
13 *of this section 3 shall be subject to any rights of the owner*
14 *of any mining claim which was located prior to February*
15 *10, 1954, and which was valid at the date of the en-*
16 *actment of this Act or which may acquire validity under*
17 *the provisions of this Act. As to any lands covered by a*
18 *uranium lease and also by a pending uranium lease appli-*
19 *cation, the right of mining location under this section 3,*
20 *as between the owner of said lease and the owner of said*
21 *application, shall be deemed as to such conflict area to*
22 *be vested in the owner of said lease. As to any lands*
23 *embraced in more than one such pending uranium lease*
24 *application, such right of mining location, as between the*

1 owners of such conflicting applications, shall be deemed
2 to be vested in the owner of the prior application. Priority
3 of such an application shall be determined by the time of
4 posting on a tract then available for such leasing of a notice
5 of lease application in accordance with paragraph (c) of
6 the Atomic Energy Commission's Domestic Uranium Pro-
7 gram Circular 7 (10 C. F. R. 60.7 (c)) provided there
8 shall have been timely compliance with the other provisions
9 of said paragraph (c) or, if there shall not have been such
10 timely compliance, then by the time of the filing of the
11 uranium lease application with the Atomic Energy Com-
12 mission. Any rights under any mining claim located under
13 the provisions of this section 3 shall terminate at the expira-
14 tion of thirty days after the filing for record of the notice
15 or certificate of location of such mining claim unless, within
16 said thirty-day period, the owner of the uranium lease
17 application or uranium lease upon which the location of
18 such mining claim was predicated shall have filed with the
19 Atomic Energy Commission a withdrawal of said appli-
20 cation or a release of said lease and shall have recorded a
21 notice of the filing of such withdrawal or release in the
22 county office wherein such notice or certificate of location
23 shall be of record.

24 (c) Except as otherwise provided in subsections (a)
25 and (b) of this section 3, no mining claim hereafter located

1 shall be valid as to any lands which at the time of such loca-
2 tion were covered by a uranium lease application or a
3 uranium lease. Any tract upon which a notice of lease
4 application has been posted in accordance with said para-
5 graph (c) of said Circular 7 shall be deemed to have been
6 included in a uranium lease application from and after the
7 time of the posting of such notice of lease application: Pro-
8 vided, That there shall have been timely compliance with
9 the other provisions of said paragraph (c) or, if there shall
10 not have been such timely compliance, then from and after
11 the time of the filing of a uranium lease application with the
12 Atomic Energy Commission.

13 SEC. 4. Every mining claim or millsite hereafter located
14 under the mining laws of the United States and every min-
15 ing claim or millsite heretofore so located which shall be
16 entitled to benefits under the first three sections of this Act
17 shall be subject to a reservation to the United States of all
18 Leasing Act minerals and of the right (as limited in section 6
19 hereof) of the United States, its lessees, permittees, and
20 licensees to enter upon the land covered by such mining claim
21 or millsite and to prospect for, drill for, mine, treat, store,
22 transport, and remove Leasing Act minerals and to use so
23 much of the surface and subsurface of such mining claim or
24 millsite as may be necessary for such purposes, and when-
25 ever reasonably necessary, for the purpose of prospecting for,

1 drilling for, mining, treating, storing, transporting, and re-
2 moving Leasing Act minerals on and from other lands; and
3 any patent issued for any such mining claim or millsite and
4 contain such reservation.

5 *SEC. 5. Subject to the conditions and provisions of this*
6 *Act, mining claims and millsites may hereafter be located*
7 *under the mining laws of the United States on lands of the*
8 *United States which at the time of location are—*

9 *(a) included in a permit or lease issued under the*
10 *mineral leasing laws; or*

11 *(b) covered by an application or offer for a permit*
12 *or lease filed under the mineral leasing laws; or*

13 *(c) known to be valuable for minerals subject to*
14 *disposition under the mineral leasing laws;*

15 *to the same extent in all respects as if such lands were not*
16 *so included or covered or known.*

17 *SEC. 6. (a) Where the same lands are being utilized for*
18 *mining operations and Leasing Act operations, each of such*
19 *operations shall be conducted, so far as reasonably practi-*
20 *cable, in a manner compatible with such multiple use.*

21 *(b) Any mining operations pursuant to rights under any*
22 *unpatented or patented mining claim or millsite which shall*
23 *be subject to a reservation to the United States of Leasing Act*
24 *minerals as provided in this Act, shall be conducted, so far*
25 *as reasonably practicable, in a manner which will avoid*

1 *damage to any known deposit of any Leasing Act mineral.*
2 *Subject to the provisions of subsection (d) of this section 6,*
3 *mining operations shall be so conducted as not to endanger*
4 *or materially interfere with any existing surface or under-*
5 *ground improvements, workings, or facilities which may have*
6 *been made for the purpose of Leasing Act operations, or*
7 *with the utilization of such improvements, workings, or*
8 *facilities.*

9 *(c) Any Leasing Act operations on lands covered by an*
10 *unpatented or patented mining claim or millsite which shall*
11 *be subject to a reservation to the United States of Leasing*
12 *Act minerals as provided in this Act, shall be conducted, so*
13 *far as reasonably practicable, in a manner which will avoid*
14 *damage to any known deposit of any mineral not so reserved*
15 *from such mining claim or millsite. Subject to the provi-*
16 *sions of subsection (d) of this section 6, Leasing Act opera-*
17 *tions shall be so conducted as not to endanger or materially*
18 *interfere with any existing surface or underground improve-*
19 *ments, workings, or facilities which may have been made*
20 *for the purpose of mining operations, or with the utilization*
21 *of such improvements, workings, or facilities.*

22 *(d) If, upon petition of either the mining operator or*
23 *the Leasing Act operator, any court of competent jurisdiction*
24 *shall find that a particular use in connection with one of*
25 *such operations cannot be reasonably and properly conducted*

1 without endangering or materially interfering with the then
2 existing improvements, workings, or facilities of the other of
3 such operations or with the utilization thereof, and shall find
4 that under the conditions and circumstances, as they then
5 appear, the injury or damage which would result from denial
6 of such particular use would outweigh the injury or damage
7 which would result to such then existing improvements,
8 workings, or facilities or from interference with the utiliza-
9 tion thereof if that particular use were allowed, then in such
10 event such court may permit such use upon payment (or
11 upon furnishing of security determined by the court to be
12 adequate to secure payment) to the party or parties who
13 would be thus injured or damaged, of an amount to be fixed
14 by the court as constituting fair compensation for the then
15 reasonably contemplated injury or damage which would re-
16 sult to such then existing improvements, workings, or facili-
17 ties or from interference with the utilization thereof by reason
18 of the allowance of such particular use.

19 (e) Where the same lands are being utilized for mining
20 operations and Leasing Act operations, then upon request of
21 the party conducting either of said operations, the party
22 conducting the other of said operations shall furnish to and
23 at the expense of such requesting party copies of any infor-
24 mation which said other party may have, as to the situs of
25 any improvements, workings, or facilities theretofore made

1 upon such lands, and upon like request, shall permit such
2 requesting party, at the risk of such requesting party, to
3 have access at reasonable times to any such improvements,
4 workings, or facilities for the purpose of surveying and check-
5 ing or determining the situs thereof. If damage to or material
6 interference with a party's improvements, workings, facilities,
7 or with the utilization thereof shall result from such party's
8 failure, after request, to so furnish to the requesting party
9 such information or from denial of such access, such failure or
10 denial shall relieve the requesting party of any liability for
11 the damage or interference resulting by reason of such failure
12 or denial. Failure of a party to furnish requested informa-
13 tion or access shall not impose upon such party any liability
14 to the requesting party other than for such costs of court
15 and attorney's fees as may be allowed to the requesting party
16 in enforcing by court action the obligations of this section as
17 to the furnishing of information and access. The obligation
18 hereunder of any party to furnish requested information shall
19 be limited to map and survey information then available to
20 such party with respect to the situs of improvements, work-
21 ings, and facilities and the furnishing thereof shall not be
22 deemed to constitute any representation as to the accuracy of
23 such information.

24 SEC. 7. (a) Any applicant, offeror, permittee, or lessee
25 under the mineral leasing laws may file in the office of the

1 Secretary of the Interior, or in such office as the Secretary
2 may designate, a request for publication of notice of such ap-
3 plication, offer, permit, or lease, provided, expressly, that not
4 less than ninety days prior to the filing of such request for
5 publication there shall have been filed for record in the county
6 Office of Record for the county in which the lands covered
7 thereby are situate a notice of the filing of such application or
8 offer or of the issuance of such permit or lease which notice
9 shall set forth the date of such filing or issuance, the name and
10 address of the applicant, offeror, permittee or lessee and the
11 description of the lands covered by such application, offer, per-
12 mit or lease, showing section or sections of land surveyed, or,
13 if such lands are unsurveyed, the section or sections of land
14 which would probably be involved when the public lands sur-
15 veyed are extended to such lands, or a tie by courses and dis-
16 tances to an approved United States Mineral Monument.
17 The filing of such request for publication shall be accom-
18 panied by a certified copy of such recorded notice and an
19 affidavit or affidavits of a person or persons over twenty-one
20 years of age setting forth that the affiant or affiants have exam-
21 ined the lands involved in a reasonable effort to ascertain
22 whether any person or persons were in possession of or en-
23 gaged in the working of such lands or any part thereof, and,
24 if no person or persons were found to be in possession of or
25 engaged in the working of said lands or any part thereof on

1 the date of such examination, setting forth such fact, or, if any
2 person or persons were so found to be in possession or engaged
3 in such working on the date of such examination, setting
4 forth the name and address of each such person, unless affiant
5 shall have been unable through reasonable inquiry to obtain
6 information as to the name and address of any such person,
7 in which event the affidavit shall set forth fully the nature and
8 results of such inquiry.

9 Thereupon the Secretary of the Interior, or his desig-
10 nated representative, at the expense of the requesting person
11 (who, prior to the commencement of publication, must furnish
12 the agreement of the publisher to hold such requesting person
13 alone responsible for charges of publication), shall cause
14 notice of such application, offer, permit, or lease to be pub-
15 lished in a newspaper having general circulation in the
16 county in which the lands involved are situate.

17 Such notice shall describe the lands covered by such
18 application, offer, permit, or lease, as provided heretofore in
19 the notice to be filed in the office of record of the county in
20 which the lands covered are situate, and shall notify whom-
21 ever it may concern that if any person claiming or assert-
22 ing under, or by virtue of, any unpatented mining claim,
23 any right or interest in Leasing Act minerals as to such
24 lands or any part thereof, shall fail to file in the office
25 where such request for publication was filed (which office

1 shall be specified in such notice) and within one hundred
2 and fifty days from the date of the first publication of such
3 notice (which date shall be specified in such notice), a verified
4 statement which shall set forth, as to such unpatented mining
5 claim:

6 (1) The date of location;

7 (2) The book and page of recordation of the notice
8 or certificate of location;

9 (3) The section or sections of the public land sur-
10 veys which embrace such mining claim; or if such lands
11 are unsurveyed, either the section or sections which
12 would probably embrace such mining claim when the
13 public land surveys are extended to such lands or a
14 tie by courses and distances to an approved United
15 States mineral monument;

16 (4) Whether such claimant is a locator or pur-
17 chaser under such location; and

18 (5) The name and address of such claimant and
19 names and addresses so far as known to the claimant
20 of any other person or persons claiming any interest
21 or interests in or under such unpatented mining claim;
22 such failure shall be conclusively deemed (i) to constitute a
23 waiver and relinquishment by such mining claimant of any
24 and all right, title, and interest under such mining claim as to,
25 but only as to, Leasing Act minerals, and (ii) to constitute a

1 consent by such mining claimant that such mining claim and
2 any patent issued therefor, shall be subject to the reservation
3 specified in section 4 of this Act, and (iii) to preclude there-
4 after any assertion by such mining claimant of any right or
5 title to or interest in any Leasing Act mineral by reason of
6 such mining claim.

7 If such notice is published in a daily paper, it shall be
8 published in the Wednesday issue for nine consecutive weeks,
9 or, if in a weekly paper, in nine consecutive issues, or, if in a
10 semiweekly or triweekly paper, in the issue of the same day
11 of each week for nine consecutive weeks.

12 Within fifteen days after the date of first publication of
13 such notice, the person requesting such publication (1) shall
14 cause a copy of such notice to be personally delivered to or
15 to be sent by registered mail addressed to each person in pos-
16 session or engaged in the working of the land whose name
17 and address is shown by an affidavit filed as aforesaid, and to
18 each person who may have filed, as to any lands described in
19 said notice, a request for notices, as provided in subsection (d)
20 of this section 7, and (2) shall file in the office where said
21 request for publication was filed an affidavit showing that
22 copies have been so delivered or mailed.

23 (b) If any claimant under any unpatented mining claim
24 which embraces any of the lands described in any notice
25 published in accordance with the provisions of subsection

1 (a) of this section 7 shall fail to file a verified statement,
2 as above provided, within one hundred and fifty days from
3 the date of the first publication of such notice, such failure
4 shall be conclusively deemed, except as otherwise provided
5 in subsection (c) of this section 7, (i) to constitute a waiver
6 and relinquishment by such mining claimant of any and all
7 right, title, and interest under such mining claim as to, but
8 only as to, Leasing Act minerals, and (ii) to constitute
9 a consent by such mining claimant that such mining claim
10 and any patent issued therefor, shall be subject to the reser-
11 vation specified in section 4 of this Act, and (iii) to pre-
12 clude thereafter any assertion by such mining claimant of
13 any right or title to or interest in any Leasing Act mineral
14 by reason of such mining claim.

15 (c) If any verified statement shall be filed by a mining
16 claimant as provided in subsection (a) of this section 7, then
17 the Secretary of the Interior or his designated representative
18 shall fix a time and place for a hearing to determine the
19 validity and effectiveness of the mining claimant's asserted
20 right or interest in Leasing Act minerals, which place of
21 hearing shall be in the county where said interest or part
22 of it is located, unless the mining claimant agrees other-
23 wise. The procedures with respect to notice of such a hear-
24 ing and the conduct thereof, and in respect to appeals shall
25 follow the then established general procedures and rules of

1 practice of the Department of the Interior in respect to con-
2 tests or protests affecting public lands of the United States.
3 If, pursuant to such a hearing the final decision rendered
4 shall affirm the validity and effectiveness of any mining
5 claim as to Leasing Act minerals then no subsequent pro-
6 ceeding under section 7 of this Act shall have any force or
7 effect upon any rights or interests under the said so affirmed
8 mining claim. If at any time prior to a hearing the per-
9 son requesting publication of notice and any person filing
10 a verified statement pursuant to such notice shall so stipulate,
11 then to the extent so stipulated, but only to such extent, no
12 hearing shall be held with respect to rights asserted under
13 that verified statement, and to the extent defined by the stipu-
14 lation the rights asserted under that verified statement shall
15 be deemed to be unaffected by that particular published notice.

16 (d) Any person claiming any right in Leasing Act min-
17 erals under or by virtue of any unpatented mining claim and
18 desiring to receive a copy of any notice of any application,
19 offer, permit, or lease which may be published as above pro-
20 vided in subsection (a) of this section 7 and which may
21 affect lands embraced in such mining claim, may cause to
22 be filed for record in the county office of record where the
23 notice or certificate of location of such mining claim shall
24 have been recorded, a duly acknowledged request for a
25 copy of any such notice. Such request for copies shall set

1 *forth the name and address of the person requesting copies*
2 *and shall also set forth, as to each mining claim under which*
3 *such person asserts rights in Leasing Act minerals:*

4 *(1) the date of location;*

5 *(2) the book and page of the recordation of the*
6 *notice or certificate of location; and*

7 *(3) the section or sections of the public land sur-*
8 *veys which embrace such mining claim; or if such lands*
9 *are unsurveyed, either the section or sections which*
10 *would probably embrace such mining claim when the*
11 *public land surveys are extended to such lands or a*
12 *tie by courses and distances to an approved United*
13 *States mineral monument.*

14 *Other than in respect to the requirements of subsection (a)*
15 *of this section 7 as to personal delivery or mailing of copies*
16 *of notices and in respect to the provisions of subsection (e)*
17 *of this section 7, no such request for copies of published*
18 *notices and no statement or allegation in such request and*
19 *no recordation thereof shall affect title to any mining claim*
20 *or to any land, or be deemed to constitute constructive notice*
21 *to any person that the person requesting copies has, or*
22 *claims, any right, title, or interest in or under any mining*
23 *claim referred to in such request.*

24 *(e) If any applicant, offeror, permittee, or lessee shall*
25 *fail to comply with the requirements of subsection (a) of*

1 this section 7 as to the personal delivery or mailing of a
2 copy of notice to any person, the publication of such notice
3 shall be deemed wholly ineffectual as to that person or as to
4 the rights asserted by that person and the failure of that
5 person to file a verified statement, as provided in such notice,
6 shall in no manner affect, diminish, prejudice or bar any
7 rights of that person.

8 SEC. 8. The owner or owners of any mining claim here-
9 tofore located may, at any time prior to issuance of patent
10 therefor, waive and relinquish all rights thereunder to Leas-
11 ing Act minerals. The execution and acknowledgment of
12 such a waiver and relinquishment by such owner or owners
13 and the recordation thereof in the office where the notice or
14 certificate of location of such mining claim is of record shall
15 render such mining claim thereafter subject to the reserva-
16 tion referred to in section 4 of this Act and any patent issued
17 therefor shall contain such a reservation, but no such waiver
18 or relinquishment shall be deemed in any manner to constitute
19 any concession as to the date of priority of rights under said
20 mining claim or as to the validity thereof.

21 SEC. 9. The Atomic Energy Act is hereby amended as
22 follows:

23 (a) Section 5 (b) (5) is revised to read:

24 (5) ACQUISITION.—The Commission is authorized, to the
25 extent it deems necessary to effectuate the provisions of this

1 Act, to purchase, take, requisition, condemn, or otherwise
2 acquire—

3 (A) supplies of source materials or any interest in
4 real property containing deposits of source materials,
5 and

6 (B) rights to enter upon any real property deemed
7 by it to have possibilities of containing deposits of source
8 materials and to conduct prospecting and exploratory
9 operations for such deposits.

10 Any purchase made under this paragraph may be made
11 without regard to the provisions of section 3709 of the Re-
12 vised Statutes (U. S. C., title 41, sec. 5) upon certification
13 by the Commission that such action is necessary in the
14 interest of the common defense and security, or upon a show-
15 ing that advertising is not reasonably practicable, and par-
16 tial and advance payments may be made thereunder. The
17 Commission may establish guaranteed prices for all source
18 materials delivered to it within a specified time. Just com-
19 pensation shall be made for any property or interest in
20 property purchased, taken, requisitioned, condemned, or
21 otherwise acquired under this paragraph.

22 (b) Section 5 (b) (6) is revised to read:

23 (6) OPERATIONS ON LANDS BELONGING TO THE
24 UNITED STATES.—The Commission is authorized, to the
25 extent it deems necessary to effectuate the provisions of this

1 *Act, to issue leases or permits for prospecting for, explora-*
2 *tion for, mining, or removal of deposits of source materials*
3 *(or for any or all of these purposes) in lands belonging to*
4 *the United States.*

5 (c) Section 5 (b) (7) is revised to read:

6 “(7) *PUBLIC LANDS.*—No individual, corporation, part-
7 nership, or association, which had any part, directly or in-
8 directly, in the development of the atomic bomb project, may
9 benefit by any location, entry, or settlement upon the public
10 domain made after such individual, corporation, partnership,
11 or association took part in such project, if such individual,
12 corporation, partnership, or association, by reason of having
13 had such part in the development of the atomic bomb project,
14 acquired confidential official information as to the existence
15 of deposits of such uranium, thorium, or other materials in
16 the specific lands upon which such location, entry, or settle-
17 ment is made, and subsequent to the date of the enactment
18 of this Act made such location, entry, or settlement or caused
19 the same to be made for his, or its, or their benefit. In
20 cases where any patent, conveyance, lease, permit, or other
21 authorization has been issued, which reserved to the United
22 States source materials and the right to enter upon the land
23 and prospect for, mine, and remove the same, the head of the
24 department or agency which issued the patent, conveyance,
25 lease, permit, or other authorization shall, on application of

1 the holder thereof, issue a new or supplemental patent, con-
2 veyance, lease, permit, or other authorization without such
3 reservation."

4 (d) Notwithstanding the provisions of the Atomic Energy
5 Act, and particularly section 5 (b) 7 thereof, prior to its
6 amendment hereby, or the provisions of the Act of August 12,
7 1953 (67 Stat. 539), and particularly section 3 thereof, any
8 mining claim, heretofore located under the mining laws of
9 the United States, for, or based upon a discovery of a
10 mineral deposit which is a fissionable source material and
11 which, except for the possible contrary construction of said
12 Atomic Energy Act, would have been locatable under such
13 mining laws, shall, insofar as adversely affected by such
14 possible contrary construction, be valid and effective, in all
15 respects to the same extent as if said mineral deposit were a
16 locatable mineral deposit other than a fissionable source
17 material.

18 SEC. 10. As used in this Act "mineral leasing laws"
19 shall mean the Act of October 20, 1914 (38 Stat. 741);
20 the Act of February 25, 1920 (41 Stat. 437); the Act
21 of April 17, 1926 (44 Stat. 301); the Act of February 7,
22 1927 (44 Stat. 1057); and all Acts heretofore or here-
23 after enacted which are amendatory of or supplementary
24 to any of the foregoing Acts; "Leasing Act minerals" shall
25 mean all minerals which, upon the effective date of this

1 Act, are provided in the mineral leasing laws to be disposed
2 of thereunder, "Leasing Act operations" shall mean opera-
3 tions conducted under a lease, permit, or license issued under
4 the mineral leasing laws in or incidental to prospecting for,
5 drilling for, mining, treating, storing, transporting, or re-
6 moving Leasing Act minerals; "mining operations" shall
7 mean operations under any unpatented or patented mining
8 claim or millsite in or incidental to prospecting for, mining,
9 treating, storing, transporting, or removing minerals other
10 than Leasing Act minerals and any other use under any
11 claim of right or title based upon such mining claim or
12 millsite; "Leasing Act operator" shall mean any party who
13 shall conduct Leasing Act operations; "mining operator"
14 shall mean any party who shall conduct mining operations;
15 "Atomic Energy Act" shall mean the Act of August 1,
16 1946 (60 Stat. 755), as amended; "Atomic Energy Com-
17 mission" shall mean the United States Atomic Energy Com-
18 mission established under the Atomic Energy Act or any
19 amendments thereof; "fissionable source material" shall mean
20 uranium, thorium, and all other materials referred to in
21 section 5 (b) (1) of the Atomic Energy Act as reserved or
22 to be reserved to the United States; "uranium lease applica-
23 tion" shall mean an application for a uranium lease filed
24 with said Commission with respect to lands which would be
25 open for entry under the mining laws except for their being

1 *lands embraced within an offer, application, permit, or lease*
2 *under the mineral leasing laws or lands known to be valuable*
3 *for minerals leasable under those laws; “uranium lease”*
4 *shall mean a uranium mining lease issued by said Com-*
5 *mission with respect to any such lands; and “person” shall*
6 *mean any individual, corporation, partnership, or other legal*
7 *entity.*

8 *SEC. 11. If any provision of this Act, or the applica-*
9 *tion of such provision to any person or circumstances, is*
10 *held unconstitutional, invalid, or unenforcible, the remain-*
11 *der of this Act or the application of such provision to per-*
12 *sons or circumstances other than those as to which it is held*
13 *unconstitutional, invalid, or unenforcible, shall not be affected*
14 *thereby.*

Amend the title so as to read: “A bill to amend the mineral leasing laws and the mining laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes.”

83^d CONGRESS
2^d Session

H. R. 8896

[Report No. 2028]

A BILL

To amend the mineral leasing laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes.

By Mr. Dawson of Utah

APRIL 27, 1954

Referred to the Committee on Interior and Insular Affairs

JULY 6, 1954

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued July 9, 1954
For actions of July 8, 1954
83rd-2nd, No. 126

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HIGHLIGHTS: Senate committee made decisions on farm program bill. Senate agreed to conference report on buildings lease-purchase bill. Senate passed life insurance bill for Federal employees. Senate committee reported bill authorizing cooperation with Mexico and Canada on control of insects and plant diseases. House concurred in Senate amendments to bill to regulate pesticide chemicals. House passed bill extending unemployment compensation to Federal employees. House passed bill allowing travel expenses from posts outside continental U. S. House committee reported bills to authorize additional contract research, approve southeastern forest fire compact, and authorize banks for cooperatives to issue consolidated debentures. House committee ordered reported bill to approve south central forest fire compact.

SENATE

1. FARM PROGRAM. The "Daily Digest" states: "Committee on Agriculture and Forestry ...continued its executive consideration of S. 3052, to encourage a stable, prosperous, and free agriculture, following which it announced that it had agreed:

"(1) By a vote of 10 to 5, to retain set-aside provisions of the bill with 2 minor amendments;

"(2) To a provision to prevent the drop of more than 5 percent each year in the parity prices of wheat, cotton, corn, and peanuts during the transition to modernized parity formula beginning in 1956;

"(3) By a vote of 8 to 7, to a motion to make the price-support level of oats, rye, barley, and grain sorghums in 1955 and 1956 equal to that of corn based on their feed value relationship;

"(4) To a provision transferring agricultural attaches to the Department of Agriculture;

"(5) To a provision authorizing the Secretary of Agriculture to control the use of diverted acreage;

"(6) To repeal marketing quotas for corn;

"(7) To include grapefruit, cling peaches, and pears for canning and processing under marketing agreements and orders;

"(8) To extend the agricultural conservation payment program for 2 more

years on a national basis;

"(9) To a provision that whenever tomatoes, avocados, limes, and grapefruit are regulated by marketing orders, imports of such commodities must comply with grade, size, quality, and maturity provisions of such order; and

"(10) To increase allowance for carryovers of corn in computing normal supply from 10 to 15 percent of domestic consumption and exports — and from 15 to 20 percent in the case of wheat." (p. D794.)

2. BUILDINGS. Agreed to the conference report on H. R. 6342, to authorize GSA to acquire real property and to provide for the construction of Federal buildings thereon by executing purchase contracts (pp. 9577-81). This bill will now be sent to the President.
3. EMPLOYEES' LIFE INSURANCE. Passed without amendment S. 3681, providing for life insurance for Federal employees (pp. 9599-602). The committee report summarizes the provisions of the bill as follows:

"The group insurance program authorized by the bill would cover nearly all civilian employees of the executive, legislative, and judicial branches... The Commission could, by regulation, and after consultation with agency heads, exclude persons whose coverage would be administratively impracticable. Non-citizen employees with permanent duty station outside a State or the District of Columbia, and employees of certain corporations under the supervision of the Farm Credit Administration, would be excluded from coverage. Each eligible employee would be automatically covered unless he elects to the contrary.

"Each covered employee would be insured for a sum equal to his annual compensation raised to the next higher multiple of \$1,000, with a maximum of \$20,000 in any case. Double indemnity and dismemberment insurance also attaches. The amount of insurance would be reduced by 2 percent a month after the individual attains age 65, subject to a maximum reduction of 75 percent.

"As his share of premium cost for all three types of insurance, there will be withheld from the employee's salary an amount not exceeding 25 cents biweekly for each 1,000 of life insurance. The Government will contribute an amount not exceeding one-half the sum withheld from the employee. Payment of premiums would end at age 65, or earlier if the employee retires for disability or retires for other reason after at least 15 years' civilian service. Otherwise, separation from service would terminate the insurance, subject to a right of the employee to convert the insurance to an individual policy of life insurance under conditions approved by the Commission."
4. INSECTS; PLANT DISEASES. The Agriculture and Forestry Committee reported without amendment S. 3697, to amend the act of April 6, 1937, to authorize cooperation with Canada or Mexico or local Canadian or Mexican authorities for the control of incipient or emergency outbreaks of insect pests and plant diseases (S. Rept. 1756)(p. 9548).
5. EXPORT-IMPORT BANK. Passed without amendment S. 3589, to provide for the independent management of the Export-Import Bank under a Board of Directors, to provide for representation of the bank on the National Advisory Council on International Monetary and Financial Problems, and to increase the bank's lending authority (pp. 9558, 9574-7).
6. RECLAMATION. The Interior and Insular Affairs Committee reported with amendments S. 964, to authorize the Fryingpan-Arkansas project, Colo. (S. Rept. 1754)(p. 9548).
7. PUBLIC LANDS; MINERALS. Passed as reported the following bills:

S. 3344, to provide for multiple mineral development, under the mineral

leasing laws, on the same tracts of the public lands (pp. 9577, 9581-93).

S. 2380, to amend various provisions of the mineral leasing laws so as to encourage exploration and development of the oil and gas reserves of the public domain (pp. 9593, 9596-8).

S. 2381, to increase the amount of public land that any one person, etc., may hold under an oil and gas lease (pp. 9598-9).

8. STOCKPILING. The Minerals, Materials, and Fuels Economic Subcommittee submitted a report (June 23) containing findings and recommendations to the Interior and Insular Affairs Committee, pursuant to S. Res. 143, directing a study of the accessibility of strategic and critical materials (including agricultural products) to the U. S. The following is an excerpt from the report: "Obviously if we adopt free trade we should abandon our entire price support program. If we do not do this, we would be attempting to support farm prices all over the world at the expense of the American taxpayer." A committee print of this report is available in the Legislative Reporting Staff for lending purposes.

HOUSE

9. UNEMPLOYMENT COMPENSATION. Passed, 309-36, without amendment H. R. 9709, to extend and amend the unemployment-compensation program (pp. 9490-522). The bill contains a provision which is described as follows in the committee report:

"H. R. 9709 provides for unemployment insurance for Federal civilian workers, including Puerto Rico or the Virgin Islands, and elsewhere, if citizens of the United States. (Nearly all of the exceptions to coverage are identical with the categories of Federal workers excluded from the Social Security Act for purposes of the old-age and survivors insurance.) Unemployment compensation will be payable to such Federal workers who are unemployed after December 31, 1954. A Federal worker's rights to benefits are to be determined under the unemployment-compensation law of the State to which his Federal services and wages are assigned. Usually, this will be the State in which the worker had his official station when he became unemployed, or, if he has been in Foreign Service, the State in which he resides when he files his claim. Compensation will not be paid for the period with respect to which accrued annual leave is paid upon separation."

10. RESEARCH; FORESTRY; FARM LOANS. The Agriculture Committee reported without amendment S. 2367, to authorize USDA research appropriations to be available for accomplishing their purpose by contract (this authority is now limited to research under the Research and Marketing Act) (H. Rept. 2100); and H. R. 9345, to grant the consent and approval of Congress to the Southeastern Interstate Forest Fire Protection Compact (H. Rept. 2099); and with amendment S. 3487, to authorize the Central Bank for Cooperatives and the regional banks for cooperatives to issue consolidated debentures (H. Rept. 2101) (p. 9544).

The Committee also ordered reported (but did not actually report) H. R. 6393, to grant the consent and approval of Congress to the South Central Interstate Forest Fire Protection Compact (p. D798).

11. PESTICIDES. Concurred in the Senate amendment to H. R. 7125, to amend the Federal Food Drug, and Cosmetic Act so as to improve, simplify, and speed up the procedure thereunder in regulating the amount of residue which may remain on raw agricultural commodities after use of pesticide chemicals (p. 9522). This bill will now be sent to the President.

12. TRADE AGREEMENTS. Both Houses received the President's message transmitting a report on the inclusion of escape clauses in existing trade agreements; to House Ways and Means Committee and Senate Finance Committee (H. Doc. 470) (pp. 9489, 9547).
13. TRAVEL. Passed as reported H. R. 179, to provide for payment of expenses of round trip transportation of Federal employees and their immediate families, but not household effects from posts of duty outside continental U. S. (pp. 9489, 9527). This bill had earlier been reported with amendments by the Government Operations Committee (H. Rept. 2096) (p. 9544). As passed, the bill allows payment for round trip travel of the employees and their immediate families from their posts of duty outside the continental U. S. to places of actual residence at time of appointment or transfer to such overseas posts of duty and who are returning thereto for the purpose of taking leave prior to serving another tour of duty at the same or some other post outside continental U. S.
14. VOCATIONAL REHABILITATION. Passed, 347-0, H. R. 9640, to extend and improve services under the Vocational Rehabilitation Act (pp. 9488-89). Vacated earlier passage of this bill, and passed S. 2759, a similar bill, after amending it to contain the language of H. R. 9640. House and Senate conferees were appointed. (pp. 9523-7, 9607-11.)
15. FCA AUDIT REPORT. Received GAO's audit report on the FCA for the 1953 fiscal year (p. 9544).
16. HOUSING LOANS. The conferees were authorized until midnight July 10 to file a conference report on H. R. 7839, which includes a provision continuing the rural-housing loan program (p. 9541).
17. VIRGIN ISLANDS. The conferees were authorized until midnight July 10 to file a conference report on S. 3378, to revise the Virgin Islands Organic Act (which includes a provision relating to the importation of diseased animals) (p. 9541).
18. PERSONNEL. The Post Office and Civil Service Committee was granted permission until midnight July 10 to file a report on H. R. 9836, the Federal employees' pay and reclassification bill (p. 9541).
19. RECLAMATION; ELECTRIFICATION. House conferees were appointed on H. R. 4854, to authorize Interior to construct the Foster Creek division, Chief Joseph Dam project, Wash. (p. 9528). Senate conferees have not yet been appointed.
20. ADJOURNED until Mon., July 12 (p. 9544). The Legislative Program for next week as announced by Rep. Arends: The House will consider bills to authorize increase in interest rates on direct and insured loans under the Bankhead-Jones Act, etc., transfer surplus CCC hay and pasture seeds to FS and other land administering agencies, and, if rules are granted, bills to increase limit on individual water facilities loans and expand area of coverage to entire country and health reinsurance (pp. 9540-1).

BILLS INTRODUCED

21. MONOPOLY. H. R. 9834, by Rep. Hoffman, Mich., to provide for taking the Fed. Government out of competition with private enterprise; to Government Operations Committee (p. 9546).

everyone. I know that it will be passed by the Senate.

Mr. CAPEHART. Mr. President, the able Senator from Delaware [Mr. FREAR] was a member of our group which went to Latin America and visited 15 countries. He was with us every day, and was just as much responsible as was the chairman for all the meetings which were held, and for the hard work which was done in trying to bring out the facts.

Mr. FREAR. I appreciate the very kind remarks of the Senator from Indiana.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 3589) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 3 of the Export-Import Bank Act of 1945, as amended, is hereby further amended to read as follows:

"SEC. 3. (a) The Export-Import Bank of Washington shall constitute an independent agency of the United States and neither the bank nor any of its functions, powers, or duties shall be transferred to or consolidated with any other department, agency, or corporation of the Government unless the Congress shall otherwise by law provide.

"(b) There shall be a President of the Export-Import Bank of Washington, who shall be appointed by the President of the United States by and with the advice and consent of the Senate, who shall receive a salary at the rate of \$17,500 per annum, and who shall serve as chief executive officer of the bank. There shall be a first vice president of the bank, who shall be appointed by the President of the United States by and with the advice and consent of the Senate, who shall receive a salary at the rate of \$16,000 per annum, who shall serve as President of the bank during the absence or disability of or in the event of a vacancy in the office of president of the bank, and who shall at other times perform such functions as the president of the bank may from time to time prescribe.

"(c) There shall be a board of directors of the bank consisting of the president of the Export-Import Bank of Washington who shall serve as chairman, the first vice president who shall serve as vice chairman, and three additional persons appointed by the President of the United States by and with the advice and consent of the Senate. Of the 5 members of the Board, not more than 3 shall be members of any one political party. Each director, other than the president of the Export-Import Bank and the vice president of the Export-Import Bank, shall receive a salary at the rate of \$15,000 per annum. Before entering upon his duties, each of the directors shall take an oath faithfully to discharge the duties of his office. Terms of the directors shall be at the pleasure of the President of the United States, and the directors, in addition to their duties as members of the Board, shall perform such additional duties and may hold such other offices in the administration of the bank as the president of the bank may from time to time prescribe. A majority of the board of directors shall constitute a quorum. The board of directors shall adopt, and may from time to time amend, such bylaws as are necessary for the proper management and functioning of the bank, and shall, in such bylaws, designate the vice presidents and other officers of the bank and prescribe their duties.

"(d) There shall be an Advisory Committee of nine members, appointed by the Board of Directors on the recommendation of the president of the bank, who shall be broadly representative of production, commerce, finance, agriculture, and labor. The Advisory Committee shall meet one or more times per year, on the call of the president of the bank to advise with the bank on its program. Members of the Advisory Committee shall be paid a per diem allowance of \$50 for each day spent away from their homes or regular places of business, for the purpose of attendance at meetings of the committee, and in necessary travel, and while so engaged they may be paid actual travel expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses.

"(e) No director, officer, attorney, agent, or employee of the bank shall in any manner, directly or indirectly, participate in the deliberation upon or the determination of any question affecting his personal interests, or the interests of any corporation, partnership, or association in which he is directly or indirectly personally interested."

SEC. 2. Section 4 (a) of the Bretton Woods Agreements Act, as amended, is hereby further amended by striking out all following "Federal Reserve System," and inserting in lieu thereof "the president of the Export-Import Bank of Washington, and during such period as the Foreign Operations Administration shall continue to exist, the Director of the Foreign Operations Administration."

SEC. 3. The Export-Import Bank Act of 1945, as amended, is hereby further amended as follows:

(a) Section 6 is amended by striking out the words "three and one-half times the authorized capital stock of the bank" and substituting therefor the figure "\$4,000,000,000."

(b) Section 7 is amended by striking out the words "four and one-half times the authorized capital stock of the bank" and substituting therefor the figure "\$5,000,000,000."

SEC. 4. The provisions of this act for the appointment of a president and a first vice president of the bank and the members of the Board of Directors shall be effective upon its enactment. The remaining provisions of this act shall become effective when the president and first vice president of the bank and one other member of the Board of Directors initially appointed hereunder enter upon office, and shall thereupon supersede Reorganization Plan No. 5 of 1953.

MULTIPLE MINERAL DEVELOPMENT

Mr. MARTIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KNOWLAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UPTON in the chair). Without objection, it is so ordered.

Mr. KNOWLAND. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1620, Senate bill 3344.

The PRESIDING OFFICER. The Secretary will state the bill for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 3344) to amend the mineral leasing laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California.

The motion was agreed to, and the Senate proceeded to consider the bill.

CONSTRUCTION OF CERTAIN PUBLIC BUILDINGS BY LEASE-PURCHASE CONTRACTS — CONFERENCE REPORT

Mr. KNOWLAND. Mr. President, I move that the Senate proceed to the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6342) to amend the Public Buildings Act of 1949 to authorize the Administrator of General Services to acquire title to real property and to provide for the construction of certain public buildings thereon by executing purchase contracts, to extend the authority of the Postmaster General to lease quarters for post-office purposes, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California.

The motion was agreed to, and the Senate proceeded to consider the report.

Mr. MARTIN. Mr. President, the purpose of this bill (H. R. 6342) is to provide for the acquisition of title to real property and construction of public buildings by the Administrator of General Services and the Postmaster General through purchase-contract agreements, and for term-lease agreements for the accommodation of activities of the Federal Government. It provides a supplemental method of securing building space which would be used only in accordance with specified conditions and criteria.

When this bill was passed by the House of Representatives it contained provisions which constituted a broad delegation of legislative authority to the executive department with respect to obtaining buildings for activities of the Federal Government.

After considering those provisions, the Committee on Public Works recommended certain restraints upon this broad delegation of authority. The Senate accepted these restraints and added further amendments of a restrictive nature. As passed by the Senate, the bill fulfilled its original objective of providing a supplemental method of obtaining Federal building space but only under certain specified criteria and with adequate safeguards to preserve the legislative responsibilities with respect to authorizations for Federal buildings.

Under the agreement recommended by the conferees, the substance of all of the Senate amendments is retained in the act. Many of the Senate amendments are agreed to in their entirety. Other Senate amendments are modified for purposes of clarification.

Mr. President, the report was printed in the Record at page 8419, of June 24, and I presume that Senators have read it. Therefore I shall not read the whole

report. However, it provides a limitation of 3 years, and during the first year provides a limitation on expenditures by the Post Office Department of \$3 million, and by the General Services Administration of \$5 million. First, the proposals must be approved by the Bureau of the Budget, setting forth the cost, the amount, the length of the lease, and figures of that kind. Then the proposals are referred to the Public Works Committees of the House and the Senate. It seems to me that the bill has been very carefully safeguarded. It will provide an opportunity to construct post office buildings and other buildings which the Federal Government needs at this time. We have not built any post offices in the United States for a period of 15 years.

The Senator from South Dakota [Mr. CASE], the Senator from California [Mr. KUCHEL], and the Senator from Florida [Mr. HOLLAND], who have done so much work not only in the hearings on the bill before the Committee on Public Works, but in the conference, and I will be very glad to answer any questions that any Senator may wish to propound. I believe it would be better to proceed in that way than for me to read the complete report, which is already printed in the RECORD.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. MARTIN. I yield.

Mr. BYRD. Unfortunately, I have just come into the Chamber, and I did not hear everything the Senator has said. As I understand, the conferees accepted practically all the Senate amendments. Is that correct?

Mr. MARTIN. They accepted practically all the Senate amendments. There was some clarifying language added, but it does not disturb the meaning of the amendments added by the Senate.

Mr. BYRD. The provision requiring approval by the Bureau of the Budget was rewritten, but it is practically in the same language as before. Is that correct?

Mr. MARTIN. It is in the same language, approximately. Certain constitutional questions were brought up, which we did not feel had much merit.

Mr. BYRD. Every agreement must have the approval of the Bureau of the Budget, as I understand.

Mr. MARTIN. It must have the approval of the Bureau of the Budget. In fact, the Director of the Budget must make a recommendation that the building is needed and furnish information concerning the length of the lease, and so forth. Then the recommendation is passed on by the Public Works Committees of both the House and the Senate. There is a limitation of 3 years on the amount of money, namely, the first year, \$3 million for the Post Office Department, and \$5 million for the General Services Administration.

Mr. BYRD. I thank the Senator from Pennsylvania.

Mr. CASE. Mr. President, will the Senator from Pennsylvania yield?

Mr. MARTIN. I yield.

Mr. CASE. Mr. President, for purposes of the RECORD and in elaboration of the answer which has already been

given by the distinguished chairman of the committee to the Senator from Virginia [Mr. BYRD], I should like to point out the process provided by the conference agreement in relation to getting the approval of the Senate and House Committees on Public Works.

In the bill as it passed the Senate, following a prolonged debate, as Senators will remember, the big issue was the question of an administrative agency coming into agreement with the Committees on Public Works regarding lease-purchase contracts. The conference report eliminates reference to the contracts as such. The action of the committees will be as to projects rather than contracts of agreement. It may amount to the same thing, but there is some difference, because the committees are not required to pass upon particular contracts. It was on that point that the strongest arguments were made by those who feared that some constitutional questions might be involved. The procedure is that the proposed project will be submitted to the Committees on Public Works, and those committees, and through them, the Congress, will retain the right to authorize or not to authorize projects.

At the present time, in the absence of any legislation on the subject, no project can be entered upon by an administrative agency of the Government for the purchase of real estate or the construction of buildings involving the purchase of real estate, except by an authorizing act of the Congress.

This bill retains the authorization power in the hands of the Congress by providing that funds shall not be appropriated by the Congress unless they are based upon a list of eligible projects which has been reviewed by the appropriate committees. It is the belief of the conferees that an appropriation to make rents or rental moneys available for the payment of lease-purchase agreements would not be in order on an appropriation bill if they related to projects which had not been previously established on an eligible list. The conference bill avoids the constitutional question which was raised during the time the measure was under consideration by the Senate, for it does not require the agencies of the Government to submit agreements to the Congress, but they will submit their proposals for authorization, so to speak, by the inclusion on an eligible list, if the appropriate committees of the House and Senate agree.

There is retained in the conference agreement the several provisions which were hammered out in the Senate during the extended debate on the bill, namely, the provisions for detailed information on proposed projects. The approval of the Bureau of the Budget must be included in the data submitted by the General Services Administration or the Postmaster General. The approval of the Bureau of the Budget must be one of the certificates submitted to the Congress. Then there follows a long list of detailed information about the projects provided for in an amendment submitted on the floor of the Senate. So that when the record is complete, we shall not have

given any blank checks to any agency of the Government to engage in an unlimited commitment of the Government for monthly payments for rentals or for retiring the principal cost of the buildings.

So, Mr. President, we think we have presented to the Congress a sound piece of legislation. There is a limitation on the time in which eligible lists may be established that will insure review of the Congress.

Mr. President, I wish to commend the diligent work of the junior Senator from California [Mr. KUCHEL] and of the Senator from Florida [Mr. HOLLAND] because of their very careful work during the time the bill was under review by the Senate Committee on Public Works. During the debate the Senator from Virginia [Mr. BYRD] and the Senator from Delaware [Mr. WILLIAMS] raised questions which received serious consideration by the members of the committee at the time the bill was before us.

The bill represents a major piece of legislation. When the record of this Congress is written, I am confident that the authorization here created to provide a public-buildings program, both for general office buildings and for post offices, will be listed among the notable achievements of this Congress. We present the conference report today with full confidence that it embodies a measure which will be useful in the 3 years immediately ahead and which will lay the foundation for constructive, forward-looking, long-range legislation for handling the office problems of the United States Government.

Mr. HOLLAND. Mr. President, will the Senator from Pennsylvania yield?

Mr. MARTIN. I yield.

Mr. HOLLAND. Mr. President, I am sure every Senator realizes that this act is a distinct departure. Certainly the committee members who handled it in the beginning made no pretense that it was not and the conferees now state that the act will be a real departure from earlier practices. The fact of the matter is that the Congress finds itself so overwhelmed with details that it has become increasingly impossible to handle, in the antiquated fashion, special authorizations of the many, many building projects which are now required because of the present size of this Nation.

So, Mr. President, the legislation is experimental. The conference report contains one feature which has already been mentioned, and which was not contained in either the House bill or the Senate bill, which holds the measure to an experimental period of 3 years and points up the fact that the Congress in passing this legislation knows it is truly an experiment which it hopes will succeed, and which it retains the right to review and either continue or completely discontinue after 3 years of trial. Unless Congress acts affirmatively at the end of 3 years, in accordance with this provision in the report, the experiment will come to an end.

Mr. President, the distinguished chairman of the Public Works Committee and the Senator from South Dakota have both stated what is a fact—that nearly all the Senate amendments were pre-

Mr. CARLSON. Mr. President, will the Senator yield?

Mr. KUCHEL. I am happy to yield to the distinguished Senator from Kansas.

Mr. CARLSON. I, too, wish to express my appreciation to the members on the Committee on Public Works, to the subcommittee, and to the conference committee, for the work they did on the bill. As the distinguished Senator from California, the distinguished Senator from Florida, and other Senators who worked on the bill very diligently, may know, I was somewhat concerned, because we were entering a new field, that legislation would be proposed which would prove to be ineffective.

I wish to say that I am greatly pleased with the conference report which has been returned. The bill provides the Government with an opportunity now to construct buildings throughout the Nation under lease-purchase contracts, and instead of paying rentals for literally hundreds of years, the Government, in a matter of years, will own the buildings. That is a program which is new.

I think the committee is entitled to the thanks of the Congress and the people of the country. I am aware of the crosscurrents and concerns encountered during the writing of the proposed legislation.

I am happy to appear in the Senate this afternoon and express my delight and my sincere thanks to the members of the committee for the work they have done on the bill, because I know that in the future the Government will receive value for the money it spends for the buildings contemplated under the bill. I can speak from experience as a former Governor of Kansas, where there is in operation a plan similar to the one now proposed for the Federal Government. I can inform the Senate that in Kansas the plan is working very well.

We are indebted to the chairman of the subcommittee, the Senator from California [Mr. KUCHEL], and to the chairman of the full committee.

Mr. KUCHEL. I am sure I speak for every member of the subcommittee and the full committee in expressing my thanks for the generous comments of the Senator.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. MARTIN. Mr. President, following adoption of the conference report, I wish to express my appreciation of the excellent work done by the subcommittee having the bill under consideration. The bill has been considered for almost 1 year. It represents a complete departure from anything the United States Government has previously undertaken.

Personally, I think the bill provides sufficient safeguards, and that it will work to the advantage of the American people.

At this time I wish to thank the chairman of the subcommittee, the junior Senator from California [Mr. KUCHEL], and also the Senator from South Dakota [Mr. CASE], and the Senator from Florida [Mr. HOLLAND], all of whom de-

voted many hours and earnest efforts to the formulation of the bill. I also wish to thank the other Senators who, when the bill came to the floor of the Senate, helped work out the amendments and devoted a great deal of time and effort to their consideration. I also wish to express my profound appreciation and thanks to the Senate Members and also the House Members of the committee of conference. All of them worked diligently toward the sole end of preparing a bill which would contain proper safeguards and also provide for accomplishing the desired results.

Mr. President, at this time I wish to state that the Senator from Washington [Mr. MAGNUSON] was in opposition to the bill. If he were now on the floor, I believe he might wish to express his opposition to the bill. Last night he told me that at this time he would not do anything except express his opposition. In fairness to him, I think that statement should be made.

CONSTRUCTION OF CERTAIN PUBLIC BUILDINGS BY PURCHASE CONTRACTS—CORRECTIONS IN ENROLLMENT OF BILL

The PRESIDING OFFICER (Mr. UPTON in the chair) laid before the Senate House Concurrent Resolution 251, which was read as follows:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill H. R. 6342 entitled "An act to amend the Public Buildings Act of 1949 to authorize the Administrator of General Services to acquire title to real property and to provide for the construction of certain public buildings thereon by executing purchase contracts; to extend the authority of the Postmaster General to lease quarters for post-office purposes; and for other purposes," the Clerk of the House is authorized and directed to make the following corrections:

At the end of the matter inserted in lieu of that proposed by the amendment of the Senate numbered 1 insert a period in lieu of the semicolon.

In the matter inserted in lieu of that proposed by the amendment of the Senate numbered 5 insert quotation marks before each of the eight parenthetical numerals, and at the end of such matter insert a period in lieu of the semicolon.

At the end of the matter inserted in lieu of that proposed by the amendment of the Senate numbered 15 insert a period in lieu of the semicolon.

At the end of the matter inserted in lieu of that proposed by the amendment of the Senate numbered 17 insert a period in lieu of the semicolon.

At the end of the matter inserted in lieu of that proposed by the amendment of the Senate numbered 19 insert a comma in lieu of the semicolon.

Mr. MARTIN. Mr. President, I ask unanimous consent for the present consideration of the concurrent resolution.

There being no objection, the concurrent resolution (H. Con. Res. 251) was considered and agreed to.

MULTIPLE MINERAL USE OF PUBLIC LANDS

The Senate resumed the consideration of the bill (S. 3344) to amend the mineral

leasing laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes.

Mr. SMATHERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEALL in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMATHERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the first committee amendment.

Mr. SMATHERS. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

On page 4, at the beginning of line 6, to strike out "February 10, 1954" and insert "December 11, 1953"; on page 5, line 20, after the word "tract", to insert "then available for such leasing"; on page 8, line 7, after the word "leasing", to strike out "law" and insert "laws"; on page 11, line 22, after the word "as", to strike out "he" and insert "the Secretary"; in line 24, after the word "lease", to insert "provided expressly, that not less than ninety days prior to the filing of such request for publication there shall have been filed for record in the county office of record for the county in which the lands covered thereby are situate a notice of the filing of such application or offer or of the issuance of such permit or lease which notice shall set forth the date of such filing or issuance, the name and address of the applicant, offeror, permittee or lessee and the description of the lands covered by such application, offer, permit or lease"; on page 12, line 9, after the word "by", to insert "a certified copy of such recorded notice and"; after line 24, to insert:

"The filing of such request for publication shall also be accompanied by the certificate of a title or abstract company, or of a title abstractor, or of an attorney, based upon such company's abstractor's, or attorney's examination of the instruments affecting the lands involved, of record in the public records of the county in which said lands are situate as shown by the indices of the public records in the county office of record for said county, setting forth the name of any person disclosed by said instruments to have an interest in said lands under any unpatented mining claim heretofore located, together with the address of such person if disclosed by such instruments of record."

On page 14, at the beginning of line 1, to insert "heretofore located"; on page 15, line 17, after the word "be", to strike out "sent" and insert "mailed"; on page 15, line 22, after "section 7," to insert "and shall cause a copy of such notice to be mailed by registered mail to each person whose name and address is set forth in the title or abstract company's or title abstractor's attorney's certificate filed as aforesaid, as having an interest in the lands described in said notice under any unpatented mining claim heretofore located, such notice to be directed to such person's address as set forth in such certificate"; on page 16, at the beginning of line 8, to insert "heretofore located"; on page 17, line 19, after the word

"claim", to insert "heretofore located"; on page 19, after line 23, to strike out:

"SEC. 9. Notwithstanding the provisions of the Atomic Energy Act, and particularly section 5 (b) (7) thereof, or the provisions of the act of August 12, 1953 (67 Stat. 539), and particularly section 3 thereof, any mining claim, whether heretofore or hereafter located under the mining laws of the United States, for, or based upon a discovery of a mineral deposit which is a fissionable source material and which, except for the possible contrary construction of the Atomic Energy Act, would have been or would be locatable under such mining laws, shall be valid and effective in all respects to the same extent as if said mineral deposit were a locatable mineral deposit other than a fissionable source material. Notwithstanding the provisions of said section 5 (b) (7) of the Atomic Energy Act no mining claim heretofore or hereafter located under the mining laws of the United States shall be subject to, and no mineral patent hereafter issued shall contain, a reservation to the United States of fissionable source material, but the United States, its agents or representatives, shall have the right at any time to enter upon the land to prospect for, mine and remove fissionable source material upon making just compensation for any damage or injury occasioned thereby: *Provided*, That no such right of entry shall be exercised unless the Atomic Energy Commission shall have determined that the security needs of the United States require emergency production of fissionable source materials: *Provided further*, That the amounts to be paid to the owners of rights under any such mining claim for any fissionable source material so mined and removed by the United States, its agents or representatives, shall be such amounts as the Commission in its discretion deems to be fair and reasonable."

On page 21, after line 4, to insert:

"SEC. 9. Notwithstanding any previous act, regulation, or decision, the reservation of minerals in lands withdrawn from the public domain for mineral purposes by Executive order, proclamation, or other administrative procedure shall be applicable only to those minerals and for the purposes expressed in said Executive order, proclamation, or other administrative procedure. The Secretary of the Interior shall retain the power and authority to dispose of other leasable minerals in said lands by leasing procedures applicable to the public domain. This section shall become effective April 1, 1955."

On page 21, after line 15, to insert:

"SEC. 10. The Atomic Energy Act is hereby amended as follows:

"(a) Section 5 (b) (5) is revised to read:

"(5) Acquisition: The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this act, to purchase, take, requisition, condemn, or otherwise acquire—

"(A) supplies of source materials or any interest in real property containing deposits of source materials; and

"(B) rights to enter upon any real property deemed by it to have possibilities of containing deposits of source materials and to conduct prospecting and exploratory operations for such deposits.

Any purchase made under this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and partial and advance payments may be made thereunder. The Commission may establish guaranteed prices for all source materials delivered to it within a specified time. Just compensation shall be made for any prop-

erty or interest in property taken, requisitioned, or condemned under this paragraph."

"(b) Section 5 (b) (6) is revised to read:

"(6) Operations on lands belonging to the United States: The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this act, to issue leases or permits for prospecting for, exploration for, mining, or removal of deposits of source materials (or for any or all of these purposes) in lands belonging to the United States."

"(c) Section 5 (b) (7) is revised to read:

"(7) Public lands: No individual, corporation, partnership, or association, which had any part, directly or indirectly, in the development of the atomic bomb project, may benefit by any location, entry, or settlement upon the public domain made after such individual, corporation, partnership, or association took part in such project, if such individual, corporation, partnership, or association, by reason of having had such part in the development of the atomic bomb project, acquired confidential official information as to the existence of deposits of such uranium, thorium, or other materials in the specific lands upon which such location, entry, or settlement is made, and subsequent to the date of the enactment of this act made such location, entry, or settlement or cause the same to be made for his, or its, or their benefit. In cases where any patent, conveyance, lease, permit, or other authorization has been issued, which reserved to the United States source materials and the right to enter upon the land and prospect for, mine, and remove the same, the head of the department or agency which issued the patent, conveyance, lease, permit, or other authorization shall, on application of the holder thereof, issue a new or supplemental patent, conveyance, lease, permit, or other authorization without such reservation."

"(d) Notwithstanding the provisions of the Atomic Energy Act, and particularly section 5 (b) (7) thereof, prior to its amendment hereby, or the provisions of the act of August 12, 1953 (67 Stat. 539), and particularly section 3 thereof, any mining claim, heretofore located under the mining laws of the United States, for, or based upon a discovery of a mineral deposit which is a fissionable source material and which, except for the possible contrary construction of said Atomic Energy Act, would have been locatable under such mining laws, shall, insofar as adversely affected by such possible contrary construction, be valid and effective, in all respects to the same extent as if said mineral deposit were a locatable mineral deposit other than a fissionable source material."

On page 24, line 12, to change the section number from "10" to "11"; on page 25, line 10, after "(60 Stat. 755)", to strike out "and all heretofore enacted acts which are amendatory of or supplementary to said act" and insert "as amended"; in line 16, after "5 (b)", to strike out "(7)" and insert "(1)"; in line 18, after the word "States", to strike out "'uranium lease application' shall mean an application for a uranium lease filed with said Commission pursuant to the provisions of its Domestic Uranium Program Circular 7 (10 C. F. R. 60.7); 'uranium lease' shall mean a uranium mining lease issued by said Commission pursuant to the provisions of said Circular" and insert "'uranium lease application' shall mean an application for a uranium lease filed with said Commission with respect to lands which would be open for entry under the mining laws except for their being lands embraced within an offer, application, permit, or lease under the mineral leasing laws or lands known to be valuable for minerals leasable under those laws; 'uranium lease' shall mean a uranium mining lease issued by said Commission with respect to any such lands"; and on page 26, line 8, to change the section number from "11" to "12", so as to make the bill read:

"Be it enacted, etc., That, (a) subject to the conditions and provisions of this act and to any valid intervening rights acquired under the laws of the United States, any mining claim located under the mining laws of the United States subsequent to July 31, 1939, and prior to February 10, 1954, on lands of the United States, which at the time of location were—

"(1) included in a permit or lease issued under the mineral leasing laws; or

"(2) covered by an application or offer for a permit or lease which had been filed under the mineral leasing laws; or

"(3) known to be valuable for minerals subject to disposition under the mineral leasing laws,

shall be effective to the same extent in all respects as if such lands at the time of location, and at all times thereafter, had not been so included or covered or known: *Provided, however*, That, in order to be entitled to the benefits of this act, the owner of any such mining claim located prior to January 1, 1953, must have posted and filed for record, within the time allowed by the provisions of the act of August 12, 1953 (67 Stat. 539), an amended notice of location as to such mining claim, stating that such notice was filed pursuant to the provisions of said act of August 12, 1953, and for the purpose of obtaining the benefits thereof: *And provided further*, That, in order to obtain the benefits of this act, the owner of any such mining claim located subsequent to December 31, 1952, and prior to February 10, 1954, not later than 120 days after the date of enactment of this act, must post on such claim in the manner required for posting notice of location of mining claims and file for record in the office where the notice or certificate of location of such claim is of record, an amended notice of location for such claim, stating that such notice is filed pursuant to the provisions of this act and for the purpose of obtaining the benefits thereof and, within said 120-day period, if such owner shall have filed a uranium lease application as to the tract covered by such mining claim, must file with the Atomic Energy Commission a withdrawal of such uranium lease application or, if a uranium lease shall have issued pursuant thereto, a release of such lease, and must record a notice of the filing of such withdrawal or release in the county office wherein such notice or certificate of location shall have been filed for record.

"(b) Labor performed or improvements made after the original location of and upon or for the benefit of any mining claim which shall be entitled to the benefits of this act under the provisions of subsection (a) of this section 1, shall be recognized as applicable to such mining claim for all purposes to the same extent as if the validity of such mining claim were in no respect dependent upon the provisions of this act.

"(c) As to any land covered by any mining claim which is entitled to the benefits of this act under the provisions of subsection (a) of this section 1, any withdrawal or reservation of lands made after the original location of such mining claim is hereby modified and amended so that the effect thereof upon such mining claim shall be the same as if such mining claim had been located upon lands of the United States which, subsequent to July 31, 1939, and prior to the date of such withdrawal or reservation, were subject to location under the mining laws of the United States.

"SEC. 2. (a) If any mining claim which shall have been located subsequent to December 31, 1952, and prior to December 11, 1953, and which shall be entitled to the benefits of this act, shall cover any lands embraced within any mining claim which shall have been located prior to January 1, 1953, and which shall be entitled to the benefits of this act, then as to such area of conflict

said mining claim so located subsequent to December 31, 1952, shall be deemed to have been located December 11, 1953.

"(b) If any mining claim hereafter located shall cover any lands embraced within any mining claim which shall have been located prior to February 10, 1954, and which shall be entitled to the benefits of this act, then as to such area of conflict said mining claim hereafter located shall be deemed to have been located 121 days after the date of the enactment of this act.

"SEC. 3. (a) Subject to the conditions and provisions of this act and to any valid prior rights acquired under the laws of the United States, the owner of any pending uranium lease application or of any uranium lease shall have, for a period of 120 days after the date of enactment of this act, as limited in subsection (b) of this section 3, the right to locate mining claims upon the lands covered by said application or lease.

"(b) Any rights under any such mining claim so hereafter located pursuant to the provisions of subsection (a) of this section 3 shall be subject to any rights of the owner of any mining claim which was located prior to February 10, 1954, and which was valid at the date of the enactment of this act or which may acquire validity under the provisions of this act. As to any lands covered by a uranium lease and also by a pending uranium lease application, the right of mining location under this section 3, as between the owner of said lease and the owner of said application, shall be deemed as to such conflict area to be vested in the owner of said lease. As to any lands embraced in more than one such pending uranium lease application, such right of mining location, as between the owners of such conflicting applications, shall be deemed to be vested in the owner of the prior application. Priority of such an application shall be determined by the time of posting on a tract then available for such leasing of a notice of lease application in accordance with paragraph (c) of the Atomic Energy Commission's Domestic Uranian Program Circular 7 (10 C. F. R. 60.7 (c)) provided there shall have been timely compliance with the other provisions of said paragraph (c), or, if there shall not have been such timely compliance, then by the time of the filing of the uranium lease application with the Atomic Energy Commission. Any rights under any mining claim located under the provisions of this section 3 shall terminate at the expiration of 30 days after the filing for record of the notice or certificate of location of such mining claim unless, within said 30-day period, the owner of the uranium lease application or uranium lease upon which the location of such mining claim was predicated shall have filed with the Atomic Energy Commission a withdrawal of said application or a release of said lease and shall have recorded a notice of the filing of such withdrawal or release in the county office wherein such notice or certificate of location shall be of record.

"(c) Except as otherwise provided in subsections (a) and (b) of this section 3, no mining claim hereafter located shall be valid as to any lands which at the time of such location were covered by a uranium lease application or a uranium lease. Any tract upon which a notice of lease application has been posted in accordance with said paragraph (c) of said Circular 7 shall be deemed to have been included in a uranium lease application from and after the time of the posting of such notice of lease application: *Provided*, That there shall have been timely compliance with the other provisions of said paragraph (c) or, if there shall not have been such timely compliance, then from and after the time of the filing of a uranium lease application with the Atomic Energy Commission.

"SEC. 4. Every mining claim or millsite hereafter located under the mining laws of

the United States and every mining claim or millsite heretofore so located which shall be entitled to benefits under the first three sections of this act shall be subject to a reservation to the United States of all Leasing Act minerals and of the right (as limited in section 6 hereof) of the United States, its lessees, permittees, and licensees to enter upon the land covered by such mining claim or millsite and to prospect for, drill for, mine, treat, store, transport, and remove Leasing Act minerals and to use so much of the surface and subsurface of such mining claim or millsite as may be necessary for such purposes, and whenever reasonably necessary, for the purpose of prospecting for, drilling for, mining, treating, storing, transporting, and removing Leasing Act minerals on and from other lands; and any patent issued for any such mining claim or millsite shall contain such reservation.

"SEC. 5. Subject to the conditions and provisions of this act, mining claims and millsites may hereafter be located under the mining laws of the United States on lands of the United States which at the time of location are—

"(a) included in a permit or lease issued under the mineral leasing laws; or

"(b) covered by an application or offer for a permit or lease filed under the mineral leasing laws; or

"(c) known to be valuable for minerals subject to disposition under the mineral leasing laws;

to the same extent in all respects as if such lands were not so included or covered or known.

"SEC. 6. (a) Where the same lands are being utilized for mining operations and Leasing Act operations, each of such operations shall be conducted, so far as reasonably practicable, in a manner compatible with such multiple use.

"(b) Any mining operations pursuant to rights under any unpatented or patented mining claim or millsite which shall be subject to a reservation to the United States of Leasing Act minerals as provided in this act, shall be conducted, so far as reasonably practicable, in a manner which will avoid damage to any known deposit of any Leasing Act mineral. Subject to the provisions of subsection (d) of this section 6, mining operations shall be so conducted as not to endanger or materially interfere with any existing surface or underground improvements, workings, or facilities which may have been made for the purpose of Leasing Act operations, or with the utilization of such improvements, workings, or facilities.

"(c) Any Leasing Act operations on lands covered by an unpatented or patented mining claim or millsite which shall be subject to a reservation to the United States of Leasing Act minerals as provided in this act, shall be conducted, so far as reasonably practicable, in a manner which will avoid damage to any known deposit of any mineral not so reserved from such mining claim or millsite. Subject to the provisions of subsection (d) of this section 6, Leasing Act operations shall be so conducted as not to endanger or materially interfere with any existing surface or underground improvements, workings, or facilities which may have been made for the purpose of mining operations, or with the utilization of such improvements, workings, or facilities.

"(d) If, upon petition of either the mining operator or the Leasing Act operator, any court of competent jurisdiction shall find that a particular use in connection with one of such operations cannot be reasonably and properly conducted without endangering or materially interfering with the then existing improvements, workings, or facilities of the other of such operations or with the utilization thereof, and shall find that under the conditions and circumstances, as they

then appear, the injury or damage which would result from denial of such particular use would outweigh the injury or damage which would result to such then existing improvements, workings, or facilities or from interference with the utilization thereof if that particular use were allowed, then and in such event such court may permit such use upon payment (or upon furnishing of security determined by the court to be adequate to secure payment) to the party or parties who would be thus injured or damaged, of an amount to be fixed by the court as constituting fair compensation for the then reasonably contemplated injury or damage which would result to such then existing improvements, workings, or facilities or from interference with the utilization thereof by reason of the allowance of such particular use.

"(e) Where the same lands are being utilized for mining operations and Leasing Act operations, then upon request of the party conducting either of said operations, the party conducting the other of said operations shall furnish to and at the expense of such requesting party copies of any information which said other party may have, as to the situs of any improvements, workings, or facilities theretofore made upon such lands, and upon like request, shall permit such requesting party, at the risk of such requesting party, to have access at reasonable times to any such improvements, workings, or facilities for the purpose of surveying and checking or determining the situs thereof. If damage to or material interference with a party's improvements, workings, facilities, or with the utilization thereof shall result from such party's failure, after request, to so furnish to the requesting party such information or from denial of such access, such failure or denial shall relieve the requesting party of any liability for the damage or interference resulting by reason of such failure or denial. Failure of a party to furnish requested information or access shall not impose upon such party any liability to the requesting party other than for such costs of court and attorney's fees as may be allowed to the requesting party in enforcing by court action the obligations of this section as to the furnishing of information and access. The obligation hereunder of any party to furnish requested information shall be limited to map and survey information then available to such party with respect to the situs of improvements, workings, and facilities and the furnishing thereof shall not be deemed to constitute any representation as to the accuracy of such information.

"SEC. 7. (a) Any applicant, offeror, permittee, or lessee under the mineral leasing laws may file in the Office of the Secretary of the Interior, or in such office as the Secretary may designate, a request for publication of notice of such application, offer, permit, or lease, provided expressly, that not less than 90 days prior to the filing of such request for publication there shall have been filed for record in the county office of record for the county in which the lands covered thereby are situate a notice of the filing of such application or offer or of the issuance of such permit or lease which notice shall set forth the date of such filing or issuance, the name and address of the applicant, offeror, permittee or lessee and the description of the lands covered by such application, offer, permit or lease. The filing of such request for publication shall be accompanied by a certified copy of such recorded notice and an affidavit or affidavits of a person or persons over 21 years of age setting forth that the affiant or affiants have examined the lands involved in a reasonable effort to ascertain whether any person or persons were in actual possession of or engaged in the working of such lands or any part thereof, and, if no person or persons were found to be in actual possession of or

engaged in the working of said lands or any part thereof on the date of such examination, setting forth such fact, or, if any person or persons were so found to be in actual possession or engaged in such working on the date of such examination, setting forth the name and address of each such person, unless affiant shall have been unable through reasonable inquiry to obtain information as to the name and address of any such person, in which event the affidavit shall set forth fully the nature and results of such inquiry.

"The filing of such request for publication shall also be accompanied by the certificate of a title or abstract company, or of a title abstractor, or of an attorney, based upon such company's, abstractor's, or attorney's examination of the instruments affecting the lands involved, of record in the public records of the county in which said lands are situate as shown by the indices of the public records in the county office of record for said county, setting forth the name of any person disclosed by said instruments to have an interest in said lands under any unpatented mining claim heretofore located, together with the address of such person if disclosed by such instruments of record.

"Thereupon the Secretary of the Interior, or his designated representative, at the expense of the requesting person (who, prior to the commencement of publication, must furnish the agreement of the publisher to hold such requesting person alone responsible for charges of publication), shall cause notice of such application, offer, permit, or lease to be published in a newspaper having general circulation in the county in which the lands involved are situate.

"Such notice shall describe the lands covered by such application, offer, permit, or lease and shall notify whomever it may concern that if any person claiming or asserting under, or by virtue of, any unpatented mining claim heretofore located, any right or interest in Leasing Act minerals as to such lands or any part thereof, shall fail to file in the office where such request for publication was filed (which office shall be specified in such notice) and within 150 days from the date of the first publication of such notice, a verified statement which shall set forth, as to such unpatented mining claim:

"(1) The date of location;

"(2) The book and page of recordation of the notice or certificate of location;•

"(3) The section or sections of the public land surveys which embrace such mining claim; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument;

"(4) Whether such claimant is a locator or purchaser under such location; and

"(5) The name and address of such claimant and names and addresses so far as known to the claimant of any other person or persons claiming any interest or interests in or under such unpatented mining claim; such failure shall be conclusively deemed (i) to constitute a waiver and relinquishment by such mining claimant of any and all right, title, and interest under such mining claim as to, but only as to, Leasing Act minerals, and (ii) to constitute a consent by such mining claimant that such mining claim and any patent issued therefor, shall be subject to the reservation specified in section 4 of this act, and (iii) to preclude thereafter any assertion by such mining claimant of any right or title to or interest in any Leasing Act mineral by reason of such mining claim.

"If such notice is published in a daily paper, it shall be published in the Wednesday issue for 9 consecutive weeks, or, if in a weekly paper, in 9 consecutive issues, or, if in a semiweekly or triweekly paper, in the issue

of the same day of each week for 9 consecutive weeks.

"Within 15 days after the date of first publication of such notice, the person requesting such publication (1) shall cause a copy of such notice to be personally delivered to or to be mailed by registered mail addressed to each person in possession or engaged in the working of the land whose name and address is shown by an affidavit filed as aforesaid, and to each person who may have filed, as to any lands described in said notice, a request for notices, as provided in subsection (d) of this section 7, and shall cause a copy of such notice to be mailed by registered mail to each person whose name and address is set forth in the title or abstract company's or title abstractor's or attorney's certificate filed as aforesaid, as having an interest in the lands described in said notice under any unpatented mining claim heretofore located, such notice to be directed to such person's address as set forth in such certificate; and (2) shall file in the office where said request for publication was filed an affidavit showing that copies have been so delivered or mailed.

"(b) If any claimant under any unpatented mining claim heretofore located which embraces any of the lands described in any notice published in accordance with the provisions of subsection (a) of this section 7 shall fail to file a verified statement, as above provided, within 150 days from the date of the first publication of such notice, such failure shall be conclusively deemed, except as otherwise provided in subsection (e) of this section 7, (i) to constitute a waiver and relinquishment by such mining claimant of any and all right, title, and interest under such mining claim as to, but only as to, Leasing Act minerals, and (ii) to constitute a consent by such mining claimant that such mining claim and any patent issued therefor, shall be subject to the reservation specified in section 4 of this act, and (iii) to preclude thereafter any assertion by such mining claimant of any right or title to or interest in any Leasing Act mineral by reason of such mining claim.

"(c) If any verified statement shall be filed by a mining claimant as provided in subsection (a) of this section 7, then the Secretary of the Interior or his designated representative shall fix a time and place for a hearing to determine the validity and effectiveness of the mining claimant's asserted right or interest in Leasing Act minerals. The procedures with respect to notice of such a hearing and the conduct thereof, and in respect to appeals shall follow the then established general procedures and rules of practice of the Department of the Interior in respect to contests or protests affecting public lands of the United States. If at any time prior to a hearing the person requesting publication of notice and any person filing a verified statement pursuant to such notice shall so stipulate, then to the extent so stipulated, but only to such extent, no hearing shall be held with respect to rights asserted under that verified statement, and to the extent defined by the stipulation the rights asserted under that verified statement shall be deemed to be unaffected by that particular published notice.

"(d) Any person claiming any right in leasing-act minerals under or by virtue of any unpatented mining claim heretofore located and desiring to receive a copy of any notice of any application, offer, permit, or lease which may be published as above provided in subsection (a) of this section 7, and which may affect lands embraced in such mining claim, may cause to be filed for record in the county office of record where the notice or certificate of location of such mining claim shall have been recorded, a duly acknowledged request for a copy of any such notice. Such request for copies shall set forth the name and address of the person requesting copies and shall also set forth, as

to each mining claim under which such person asserts rights in leasing-act minerals:

"(1) the date of location;

"(2) the book and page of the recordation of the notice or certificate of location; and

"(3) the section or sections of the public land surveys which embrace such mining claim; or if such lands are unsurveyed either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument.

Other than in respect to the requirements of subsection (a) of this section 7 as to personal delivery or mailing of copies of notices and in respect to the provisions of subsection (e) of this section 7, no such request for copies of published notices and no statement or allegation in such request and no recordation thereof shall affect title to any mining claim or to any land, or be deemed to constitute constructive notice to any person that the person requesting copies has, or claims, any right, title, or interest in or under any mining claim referred to in such request.

"(e) If any applicant, offeror, permittee, or lessee shall fail to comply with the requirements of subsection (a) of this section 7 as to the personal delivery or mailing of a copy of notice to any person, the publication of such notice shall be deemed wholly ineffectual as to that person or as to the rights asserted by that person and the failure of that person to file a verified statement, as provided in such notice, shall in no manner affect, diminish, prejudice or bar any rights of that person.

"Sec. 8. The owner or owners of any mining claim heretofore located may, at any time prior to issuance of patent therefor, waive and relinquish all rights thereunder to leasing-act minerals. The execution and acknowledgment of such a waiver and relinquishment by such owner or owners and the recordation thereof in the office where the notice or certificate of location of such mining claim is of record shall render such mining claim thereafter subject to the reservation referred to in section 4 of this act and any patent issued therefor shall contain such a reservation, but no such waiver or relinquishment shall be deemed in any manner to constitute any concession as to the date of priority of rights under said mining claim or as to the validity thereof.

"Sec. 9. Notwithstanding any previous act, regulation, or decision, the reservation of minerals in lands withdrawn from the public domain for mineral purposes by Executive order, proclamation, or other administrative procedure shall be applicable only to those minerals and for the purposes expressed in said Executive order, proclamation, or other administrative procedure. The Secretary of the Interior shall retain the power and authority to dispose of other leasable minerals in said lands by leasing procedures applicable to the public domain. This section shall become effective April 1, 1955.

"Sec. 10. The Atomic Energy Act is hereby amended as follows:

"(a) Section 5 (b) (5) is revised to read:

"(5) Acquisition: The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this act, to purchase, take, requisition, condemn, or otherwise acquire—

"(A) supplies of source materials or any interest in real property containing deposits of source materials; and

"(B) rights to enter upon any real property deemed by it to have possibilities of containing deposits of source materials and to conduct prospecting and exploratory operations for such deposits.

"Any purchase made under this paragraph may be made without regard to the provi-

sions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and partial and advance payments may be made thereunder. The Commission may establish guaranteed prices for all source materials delivered to it within a specified time. Just compensation shall be made for any property or interest in property taken, requisitioned, or condemned under this paragraph.

"(b) Section 5 (b) (6) is revised to read:

"(6) Operations on lands belonging to the United States: The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this act, to issue leases or permits for prospecting for, exploration for, mining, or removal of deposits of source materials (or for any or all of these purposes) in lands belonging to the United States."

"(c) Section 5 (b) (7) is revised to read:

"(7) Public lands: No individual, corporation, partnership, or association, which had any part, directly or indirectly, in the development of the atomic bomb project, may benefit by any location, entry, or settlement upon the public domain made after such individual, corporation, partnership, or association took part in such project, if such individual, corporation, partnership, or association, by reason of having had such part in the development of the atomic bomb project, acquired confidential official information as to the existence of deposits of such uranium, thorium, or other materials in the specific lands upon which such location, entry, or settlement is made, and subsequent to the date of the enactment of this act made such location, entry, or settlement or cause the same to be made for his, or its, or their benefit. In cases where any patent, conveyance, lease, permit, or other authorization has been issued, which reserved to the United States source materials and the right to enter upon the land and prospect for, mine, and remove the same, the head of the department or agency which issued the patent, conveyance, lease, permit, or other authorization shall, on application of the holder thereof, issue a new or supplemental patent, conveyance, lease, permit, or other authorization without such reservation."

"(d) Notwithstanding the provisions of the Atomic Energy Act, and particularly section 5 (b) (7) thereof, prior to its amendment hereby, or the provisions of the act of August 12, 1953 (67 Stat. 539), and particularly section 3 thereof, any mining claim, heretofore located under the mining laws of the United States for, or based upon a discovery of a mineral deposit which is a fissionable source material and which, except for the possible contrary construction of said Atomic Energy Act, would have been locatable under such mining laws, shall, insofar as adversely affected by such possible contrary construction, be valid and effective, in all respects to the same extent as if said mineral deposit were a locatable mineral deposit other than a fissionable source material."

"SEC. 11. As used in this act 'mineral leasing laws' shall mean the act of October 20, 1914 (38 Stat. 741); the act of February 25, 1920 (41 Stat. 437); the act of April 17, 1926 (44 Stat. 301); the act of February 7, 1927 (44 Stat. 1057); and all acts heretofore or hereafter enacted which are amendatory of or supplementary to any of the foregoing act; 'Leasing Act minerals' shall mean all minerals which, upon the effective date of this act, are provided in the mineral leasing laws to be disposed of thereunder, 'Leasing Act operations' shall mean operations conducted under a lease, permit, or license issued under the mineral leasing laws in or

incidental to prospecting for, drilling for, mining, treating, storing, transporting, or removing Leasing Act minerals; 'mining operations' shall mean operations under any unpatented or patented mining claim or millsite in or incidental to prospecting for, mining, treating, storing, transporting, or removing minerals other than Leasing Act minerals and any other use under any claim of right or title based upon such mining claim or millsite; 'Leasing Act operator' shall mean any party who shall conduct Leasing Act operations; 'mining operator' shall mean any party who shall conduct mining operations; 'Atomic Energy Act' shall mean the act of August 1, 1946 (60 Stat. 755), as amended; 'Atomic Energy Commission' shall mean the United States Atomic Energy Commission established under the Atomic Energy Act or any amendments thereof; 'fissionable source material' shall mean uranium, thorium, and all other materials referred to in section 5 (b) (1) of the Atomic Energy Act as reserved or to be reserved to the United States; 'uranium lease application' shall mean an application for a uranium lease filed with said Commission with respect to lands which would be open for entry under the mining laws except for their being lands embraced within an offer, application, permit, or lease under the mineral leasing laws or lands known to be valuable for minerals leasable under those laws; 'uranium lease' shall mean a uranium mining lease issued by said Commission with respect to any such lands; and 'person' shall mean any individual, corporation, partnership, or other legal entity."

"SEC. 12. If any provision of this act, or the application of such provision to any person or circumstances, is held unconstitutional, invalid, or unenforceable, the remainder of this act or the application of such provision to persons or circumstances other than those as to which it is held unconstitutional, invalid, or unenforceable, shall not be affected thereby."

Mr. BARRETT. Mr. President, the Mining Act of 1872 provided for the location of mining claims on public lands. It was contemplated under that act that the minerals of the country would be disposed of completely and exclusively under its provisions. The first radical departure from that system came about through the passage of the Mineral Leasing Act of 1920. That act provided that, save for valid claims then existing, oil, gas, coal, phosphate, sodium or oil shale could be disposed of only under that legislation. That act also provided that lands which were known to contain those minerals or which were under lease to develop such minerals were not subject to location under the mining law of 1872.

From the passage of the Leasing Act the conflict between the Mining Act system and the leasing system increased with the years. The basic principles of the mining law, with its exclusiveness and entirety of disposition, was wholly inconsistent with the limited method of disposition under the Leasing Act. And so, Mr. President, the conflict between these two distinct but entirely opposite systems for public land usage and disposition grew with expansion under each method until the situation became not only both acute and intolerable to everyone concerned, but against the public interest as well.

STATUS OF URANIUM CLAIMS IN DOUBT

When it was found last year that hundreds of very valuable uranium

claims on the Colorado plateau were in a very doubtful legal status because of the conflict between the two systems it was found necessary to do something. Stopgap legislation was enacted. Then and there advocates of each system determined that, as a matter of public policy, a sincere effort should be made to find a compatible system of land use under both the Mining Act and the Leasing Act.

To my way of thinking, Mr. President, representatives of each system are to be congratulated for their sincere efforts to rise above narrow self interest of their separate industries and to look upon the problem from the standpoint of the broad public interest. Their sole desire was to find remedial legislation that would permit maximum utilization of our mineral resources.

Their objective was to find a method under which the utilization of one resource would not unduly interfere with the utilization of another resource. So, we have proposed legislation before us today that is approved largely by mining men, including uranium miners, and by the oil and gas industry as well. This bill makes provision for concurrent and multiple usages of our natural resources under both systems. The bill has the approval of the Secretary of the Interior, the Bureau of the Budget, the Atomic Energy Commission, and the Joint Committee on Atomic Energy of the Congress.

SIXTY MILLION ACRES OPENED TO MINE LOCATION

This bill will open to location under the mining laws about 60 million acres now withdrawn under the Mineral Leasing Act. So, Mr. President, the search for uranium will benefit immeasurably if this legislation is enacted.

The stopgap legislation of last year provided a cutoff date of December 31, 1952. The first three sections of the bill are designed to protect equities created as a result of last year's legislation.

Section 1 gives a preference to any mining claimant who attempted to validate his claim under Public Law 250. This section brings forward the cutoff date of Public Law 250 to February 10, 1954, in order to protect those who acted in good faith in prospecting between January 1, 1953, and the issuance of AEC circular No. 7 which outlined procedures for uranium leases.

Section 2 gives priorities to claimants having equities as a result of Public Law 250. Where conflicts develop claims located during the period of last year's law have preference to those located after the cutoff date. Also, preference is given to those claims located before February 10, 1954, and those located after that date.

Section 3 gives the owner of an AEC lease the right to file a mining claim on the same lands subject to a mining claim filed before February 10, 1954, and valid.

PROVISION FOR MULTIPLE USE

Sections 4 and 5 establish a basis for multiple use of the same lands under the mining laws and the Mineral Leasing Act. All future mining claims and patents are to provide for the reservation of Mineral Leasing Act minerals. Also, mining claims can be located on

lands leased under the Mineral Act, or known to be valuable for Leasing Act minerals.

Section 6 establishes the basic principles of operation which are to be followed under multiple use of the same lands. It establishes the general principle that each operation shall be conducted in a manner compatible with any other mineral use insofar as reasonably practicable. This is a reciprocal section, and calls upon the miner and the lessee to act in such a manner as not to unreasonably interfere with the operations of each other.

DORMANT CLAIMS

Section 7 provides an in rem procedure where those who claim rights in the Leasing Act minerals under an unpatented mining claim can be called upon to come forward and assert those rights. It is based upon the procedure known to mining people under patent application. It has been held that one who has an unpatented mining claim has certain possessory rights as may be found valid by the Secretary of the Interior. Under the procedure established by this section a mining claimant is called upon to assert his rights to Leasing Act minerals or upon failure to do so his claim shall become subordinate to lessee under Mineral Leasing Act. This section provides procedure under which lessees may obtain determination of rights under unpatented mining claims affecting lands under which oil- and gas-lease rights are asserted. The purpose is to eliminate title uncertainties which follow from possible existence of unidentifiable mining locations and from uncertain status of inactive locations. It does not affect the rights of a mining claimant in minerals other than those mentioned in the Leasing Act.

Section 8 permits the owner of a mining claim to release Leasing Act minerals.

Section 9 limits the effect of Executive withdrawals of public lands for mineral purposes to particular minerals, and leaves all others open.

Section 10 amends certain portions of the Atomic Energy Act so as to eliminate the reservation of fissionable source materials to the United States. It also preserves the validity of otherwise valid uranium claims because of reservation.

1872 MINING ACT—1920 OIL AND GAS LEASING ACT

Mr. MALONE. Mr. President, will the Senator yield?

Mr. BARRETT. I yield.

Mr. MALONE. First, I wish to compliment the distinguished Senator from Wyoming on the work he has done on the subcommittee of the Interior and Insular Affairs Committee, of which I am a member.

FEE SIMPLE TITLE

It was necessary to adjudicate the claims and to take a forward step in the manner of development of some of the rare minerals without undue injury to the mining claim owners or to the operators under the 1920 Oil and Gas Leasing Act.

Would it be possible under the provisions of the bill for a locator of a

mining claim under the 1872 Mining Act to gain title in fee simple to his mining claim through a patent under the proposed legislation, as has been possible up to now?

Mr. BARRETT. I will say to my distinguished colleague from Nevada that the future mining locator will get the title to the surface. He will get title to all the minerals under the surface except the minerals enumerated in the Mineral Leasing Act of 1920, namely, coal, oil, gas, phosphate, and oil shale.

Mr. MALONE. The locator of a claim on an unoccupied piece of ground would obtain his patent in fee simple under the 1872 act in the usual manner as it now stands, providing he proved \$500 worth of work on the claim necessary for a patent on his 20-acre claim, or fraction thereof, he would obtain his patent.

However, if this bill should become law in the future, a patent might issue under the 1872 act, the same ground would always be subject to leasing under the 1920 Leasing Act, as amended, with respect to oil, gas, phosphate, and sulfur, including the minerals which the Senator has already mentioned.

Mr. BARRETT. The Senator is correct. The bill provides, however, that while the reservation will be to the United States for the minerals enumerated under the Leasing Act of 1920, together with the right to prospect for such minerals, nevertheless, the lessee for any of those minerals would be obliged to respect the rights of the mining claimant, and would not be permitted to interfere with his improvements and facilities on the land.

The bill also provides that the mining claimant, if he feels aggrieved, may go into court to protect his rights in case there is any violation. However, this is a reciprocal piece of legislation. As I stated a moment ago, the rights of the mining claimant are as extensive as those accorded to the oil and gas industry, if not more so. As the Senator knows, there are thousands of uranium claimants in the western section of the country, and they can now go upon the lands leased for oil and gas, file mining claims, and recover certain minerals.

Mr. MALONE. Land lease under the 1920 Oil and Gas Leasing Act can be located under the 1873 Mining Act for minerals not reserved under the act and the locator could, through doing his location work annually, patent it when the required work has been done, and owns the minerals not reserved under the Leasing Act. Is that correct?

Mr. BARRETT. The Senator is right, with the exception of one item. Under this proposed legislation, a claimant can file on presently existing oil and gas leases, as well as on oil and gas leases that may be issued in the future, and acquire the right to the minerals under the Mining Act of 1872.

Mr. MALONE. Do I correctly understand that on any lease already granted, that in the future, after this act passes, a location of a mining claim under the 1872 Act is legal?

Mr. BARRETT. That is correct.

Mr. MALONE. The land could also be leased for oil and gas on mining

claims that had already been located prior to the passage of this act.

Mr. BARRETT. The Senator is now touching on a rather technical point. I should say that if the mining claim were valid and if all of the assessment work had been done on it which had been required to be done, and if the mining claimant had observed all the requirements of the law, the oil and gas leases could not come in ahead of the mining claim.

On the other hand, if the mining claim had been abandoned for years and if the mining claimant had not done the assessment work which he is required to do under the law, a different problem would be presented. That is what I spoke about a little while ago when I said that the mining claimant would be required to show that he is entitled to the Leasing Act minerals in that property, and he could proceed to go to patent if the Secretary found that he was correct in his assumption.

Mr. MALONE. That is the point the junior Senator from Nevada wanted to make. Any claimant who is in good standing under the 1872 Mining Act up to now could always get title in fee simple by following through to patent. That provision has not been changed.

Mr. BARRETT. That is correct. The claimant would not lose anything under the proposed legislation.

Mr. MALONE. So far as proving his work is concerned, when he does his assessment work, he must file notice of that fact with the county clerk of the county wherein the claim is located, and if that has been done in the regular manner, what additional proof if any would be required under this act?

Mr. BARRETT. No additional proof is required. Under present law, of course, he must prove discovery, and perform his assessment work. This bill provides that a claimant could come forward and assert his right and say, "On this claim in 1950 I have done the assessment work."

Mr. MALONE. And show his receipts.

Mr. BARRETT. That is right. In other words, make whatever proof would be required to be made.

Mr. MALONE. In other words, show his receipts for the assessment work. If he has done his \$500 worth of work the claim could be patented in the regular way and he would receive the title in fee simple.

Mr. BARRETT. The Senator is correct.

Mr. MALONE. I should like to ask further if the distinguished Senator from Wyoming feels that this change in the Leasing Act and the modification of the 1872 Mining Act might be an entering wedge or a foot in the door to extend to all public lands the Leasing Act and to abolish the simple location process that has been required since 1872. The location of a mining claim is the only method left applying to public lands whereby a man without any capital at all and with nothing but a sack of grub could go out and own something and go to work.

I should like to say that for 20 years, 8 of which the junior Senator from Nevada has spent on the floor of the

Senate, many bills have been introduced in Congress, and many approaches have been made trying to force through a leasing system that would take the place of the location system with the lease holding at the discretion of the Government, or at least the Government bureau would be the judge of his work.

Mr. BARRETT. My answer is that this proposed legislation was introduced by the Senator from Colorado [Mr. MILLIKIN], and he was joined in its introduction by the Senator from New Mexico [Mr. ANDERSON], the senior Senator from South Dakota [Mr. MUNDT], the junior Senator from South Dakota [Mr. CASE], the Senator from Utah [Mr. WATKINS], the Senator from California [Mr. KUCHEL], and myself. We are all from the western section of the country, and we understand the development of our minerals under the Mining Act of 1872. I know that none of us has in mind an extension of the leasing provisions to other minerals which are not included under the Oil and Gas Leasing Act.

Mr. MALONE. The junior Senator from Nevada has been all through this matter, and I should like to have the RECORD show that this modification of the 1872 act is for the specific purpose, and for that purpose alone, of allowing prospecting and mining on existing oil and gas leases on lands covered in the Oil and Gas Act, and, as the Senator from Wyoming has stated, is reciprocal to the point that there are some modifications on both sides. Therefore, it opens up the situation for both of them. However, it is particularly for prospecting and the production of oil and gas and coal and phosphate on mining-claim lands and minerals on oil and gas leases.

Mr. BARRETT. The Senator is entirely correct. As I said, there would be opened up about 60 million acres on which mining claimants could file for the mining of minerals such as uranium.

Mr. MALONE. Does the Senator say that 60 million acres now under lease would be opened up?

Mr. BARRETT. Yes; which are withdrawn, so far as mining claimants are concerned, at this time.

Mr. MALONE. That is the interest of the junior Senator from Nevada. There is no intention of opening up the subject for further modification later or for a Federal leasing system.

Furthermore, I should like to say at this time that the Senator from Wyoming has served with the junior Senator from Nevada on the Minerals, Materials, and Fuels Subcommittee which has just completed a report showing, among other things, that the production of uranium, within the foreseeable future, could be made adequate in the United States for all our needs, if the tax situation is adjusted and a proper protective policy laid down by Congress, so that we need not be dependent for uranium—for our nuclear energy—on any outside country beyond a major ocean.

Mr. BARRETT. I thank the Senator. In all honesty, I must say that the Senator did practically all the work in the committee, and I may say, further, that it was a very splendid job and was in the public interest. It will prove to be a

great boon for the mining industry in the years ahead.

Mr. MALONE. I thank the Senator.

Mr. CASE. Mr. President, will the Senator from Wyoming yield?

Mr. BARRETT. I yield.

Mr. CASE. First of all, I should like to express my appreciation to the Senator from Wyoming and to the Committee on Interior and Insular Affairs for reporting this bill. It seeks to meet a very real need in the mining field by making it possible for the development of claims which have rested on a very uncertain base up to this time, particularly with respect to fissionable materials which have been found in certain areas. In my own State and in States immediately west of South Dakota there are many claims which this measure should benefit.

Mr. BARRETT. There are thousands upon thousands of uranium claims filed on what is known as the Colorado Plateau which extends over parts of the States of Utah, Arizona, New Mexico, as well as Colorado. This fact is one of the reasons why this proposed legislation is absolutely necessary. The claims were filed on lands covered by oil and gas leases, and legislation is necessary to validate them.

Mr. CASE. The prior legislation took care of the situation up to a year and a half ago.

Mr. BARRETT. That is correct.

Mr. CASE. I should like to ask 2 or 3 questions, so that I may be in a position to answer letters which I know I shall receive from holders of mineral entries. First, in respect to so-called hard-rock claims, lode claims, will persons who already have filed lode claims find that this measure affects the title to oil and gas deposits they might get if they patent their land?

Mr. BARRETT. I would say that if they have performed all the acts required by the 1872 mining law, and if they assert their rights, they will be protected. If they have not complied with the mining law of 1872, if they have abandoned their claim, or if their claims are invalid for any reason, then, of course, they are not protected.

Mr. CASE. The claim would not be a valid one.

Mr. BARRETT. That is correct.

Mr. CASE. As I recall, the certificate which a locator files recites that he lays claim to all the minerals. Assuming he complies with the law, he will be able to receive a patent which will entitle him to any royalties that might later be forthcoming because of oil and gas developments?

Mr. BARRETT. So far as the past is concerned, yes; but not as to future claims.

Mr. CASE. When the Senator uses the word "past," does he refer to the date of the location or the date of the patent?

Mr. BARRETT. I refer to the date of location, because if the claim was located at that time and if the claimant has observed all the requirements of the law, then the patent issued pursuant to that would date back to the time when the claim was originally filed.

Mr. CASE. Assuming the claim was duly filed and the work on it had been kept up.

Mr. BARRETT. Yes.

Mr. CASE. After the signing of the act, if he should then enter a lode claim and subsequently someone should seek to get oil and gas leasing rights, could he get them?

Mr. BARRETT. Yes.

Mr. CASE. With respect to the patenting of land under the homestead law, suppose a man has filed a claim, under prior acts the Government has reserved rights, has it not?

Mr. BARRETT. That is true under the Stock Grazing Act, but as to any other act, if homestead entry was made and there was an existing oil and gas lease, the Government would do one of three things. It would either not allow the homestead claim to be filed, reject the application, or grant a restricted patent.

Mr. CASE. Homesteading is almost a thing of the past.

Mr. BARRETT. That is correct.

Mr. CASE. But there are some entries where final proof has not yet been made. Would this measure in any sense injure any right a bona fide homestead entrant thought he had, if entry was made prior to this time, assuming that he has complied with all the requirements of homesteading?

Mr. BARRETT. I would say "No."

Mr. CASE. With respect to location for placer mining—the Senator lives close to the Black Hills, where there are still entries for placer mining—

Mr. BARRETT. The same principle would hold true, if everything was done that was required to be done under the mining laws.

Mr. CASE. Then this measure would not take anything of that nature away from the existing claimant?

Mr. BARRETT. No.

Mr. CASE. Would the same hold true with respect to Indian trust lands?

Mr. BARRETT. I will say to the Senator that it is my opinion that the Indian trust lands are in a wholly different category from so-called public lands of the United States. They are leased under different legislation for the benefit of the Indians, I believe. The Senator, however, is as well informed on that question as I am, as is also the Senator from New Mexico [Mr. ANDERSON].

Mr. ANDERSON. Mr. President, will the Senator from Wyoming yield?

The PRESIDING OFFICER (Mr. CRIPPA in the chair). Does the Senator from Wyoming yield to the Senator from New Mexico?

Mr. BARRETT. I yield.

Mr. ANDERSON. First, I congratulate the Senator from Wyoming on the excellent job he has been doing in answering questions. We have a situation in New Mexico in which the Navaho Indians are leasing lands for uranium and also for oil and gas. They would not be affected by this measure; would they?

Mr. BARRETT. It is my opinion that they would not be affected.

Mr. CASE. Mr. President, will the Senator from Wyoming yield further?

Mr. BARRETT. I yield.

Mr. CASE. It can be safely asserted, then, that this measure does not forfeit any rights the Indians may have in trust lands; is that correct?

Mr. BARRETT. That is correct.

Mr. CASE. Of course, it follows out the principle which the Senator has already mentioned with respect to the other entries under various laws.

I wish to thank the Senator, and I sincerely hope the bill will pass and will receive consideration in the other body, and that there will be no changes which will interfere in any respect with the protection of the rights covered in this discussion.

Mr. BARRETT. I thank the Senator from South Dakota.

Mr. LANGER. Mr. President, will the Senator from Wyoming yield?

Mr. BARRETT. I yield.

Mr. LANGER. What would be the effect if 4 or 5 years ago someone filed on a mining claim, if the necessary assessment work has been done?

Mr. BARRETT. There would be no change in the rights of the man who filed if he observed all the requirements of the law.

Mr. LANGER. Suppose that on the mining claim there is some very fine timber. Would the timber rights be affected in any way?

Mr. BARRETT. No; the timber rights would not be affected. If he has done his assessment work, observed the requirements of the law, assert his rights, if they were questioned, and applied for a patent, he would receive a patent which would give him a fee simple title.

Mr. LANGER. Is there any limitations on an individual or a corporation applying?

Mr. BARRETT. In the case of lode claims, there is a limitation of 20 acres. In the case of placer claims, the limitation is 160 acres for 8 persons. That is 20 acres to a person also. So far as I know, that is the only requirement. That has been the law since 1872.

Mr. CASE. Of course, one may file for more than one lode location.

Mr. LANGER. I desired to ascertain what the limit is.

Mr. BARRETT. The law has not been changed in that respect since 1872.

Mr. CASE. I think an individual can file for six mineral claims or lode locations. That is my understanding; I do not undertake to say that that is the law.

Mr. LANGER. Can the Senator from Wyoming state the number of witnesses who appeared at the hearings?

Mr. BARRETT. I would say that about 20 or 25 witnesses were heard. In addition, there were present 25 or so representatives of the industries affected, and they voiced no real objections to the measure.

Mr. LANGER. Did representatives of the Department of the Interior testify?

Mr. BARRETT. Yes, indeed, they did, including Assistant Secretary Felix Wormser.

Mr. LANGER. That was in connection with the 40 million or 50 million acres of land they have. Did they testify in regard to the public lands?

Mr. BARRETT. They aggregate about 150 million or 160 million acres.

Mr. LANGER. Yes. They are not in any particular locality.

Mr. BARRETT. Oh, no; they are spread over a considerable area.

Mr. LANGER. Was there any opposition to the bill?

Mr. BARRETT. There was no real opposition to the bill, that I observed. The bill has been approved, as I have said previously, by the Secretary of the Interior, the Bureau of the Budget, the Atomic Energy Commission, the Joint Committee on Atomic Energy, by mining associations, and by oil and gas associations. So far as I know, there was no opposition registered to the bill.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. BARRETT. I am delighted to yield to the Senator from New Mexico.

Mr. ANDERSON. I started to say, a moment ago, when the Senator from South Dakota was discussing the question, that I wished to congratulate the Senator from Wyoming. I most certainly wish to congratulate the distinguished junior Senator from Colorado [Mr. MILLIKIN], whose bill this is. We were privileged to join with him in introducing the bill. I think it is an excellent measure and should prove to be very useful.

When the distinguished junior Senator from Nevada [Mr. MALONE] was speaking a while ago on the subject of unpatented mining claims, I noticed, on page 4 of the report, the following paragraph:

Section 8 provides that the owner of an unpatented mining claim heretofore located may relinquish all rights under the claim to the oil and gas and other leasing act minerals. This provision would assist in the negotiation of settlements and the avoidance of conflicts.

This bill would make it possible for a person who has a still unpatented mining claim, on which he has filed location, to go ahead and make an agreement, a settlement, or a contract of some kind for the oil and gas rights, which he previously had difficulty in doing.

Mr. BARRETT. The Senator is entirely correct. Furthermore, it ought to be pointed out that the mining claimant, when he relinquishes all minerals under the Leasing Act, can still go ahead and perfect his claim under the mining law of 1872, and get service on all the other minerals.

Mr. ANDERSON. Again, I wish to congratulate the Senator from Wyoming upon his explanation of the bill. He has done an excellent piece of work.

Mr. BARRETT. I thank the distinguished Senator from New Mexico.

Mr. President, I ask unanimous consent to have the report of the committee printed at this point in the RECORD.

There being no objection, the report (No. 1610) was ordered to be printed in the RECORD, as follows:

The Committee on Interior and Insular Affairs, to whom was referred the bill (S. 3344) to amend the mineral leasing laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes, having considered the same report favorably thereon with amendments and recommend that the bill, as amended, do pass.

Extensive public hearings were held by the committee at which spokesmen for mining industry, oil and gas operators, uranium producers, and other interested persons appeared in support of the measure. The Department of the Interior and the Atomic Energy Commission also testified and have reported favorably on the measure.

No appropriation of Federal funds is involved.

PURPOSE OF MEASURE

The intent of the bill S. 3344 is to resolve conflicts between the mining laws of the United States and the Mineral Leasing Act which have prevented mineral development of the same tracts of the public lands from going forward under both systems. Land on which mineral locations have been made under the mining laws has not been open to leasing under the Mineral Leasing Act, and on the other hand land covered by an oil and gas lease or, a permit, or an application or offer for the same, under the Mineral Leasing Act, or known to be valuable for oil and gas or other Leasing Act minerals, could not be located under the mining laws.

S. 3344 would permit the development of mineral resources of the public lands, including uranium, to go forward on the same tracts of land under both systems. It would thus be a step forward in the development of the natural resources of the Nation. An immediate effect would be the opening of some 60 million acres of the public lands, now under oil and gas lease, to location for uranium and other minerals. At the same time, it would stimulate oil and gas development on the public lands by authorizing operations for leasable minerals on lands open to location under the mining laws, and by establishing a means for determining the validity of any rights claimed for Leasing Act minerals under patented mining claims located prior to the effective date of this act.

BACKGROUND OF LEGISLATION

The problem which S. 3344 seeks to solve has existed since the passage of the Mineral Leasing Act of 1920, setting aside all leasable minerals in the public lands of the United States for disposition under that act. With the critical needs of the Nation for supplies of fissionable materials within our borders, however, and the consequent great impetus given to exploration for uranium, the situation has become urgent. For example, the Colorado Plateau, extending over parts of the States of Utah, Arizona, New Mexico, and Colorado, has perhaps the greatest uranium reserves of any known area under the American flag, yet much of the area is covered by oil and gas leases, thus, in effect, withdrawing it from all mineral development other than oil and gas.

Your committee faced the problem at length last year in its consideration of S. 1397, which became Public Law 250, 1st session, 83d Congress (act of Aug. 12, 1953; 67 Stat. 539). This act permitted the validation, under the procedures set forth, of mining claims located between August 1, 1939, and December 31, 1952, which might otherwise have been invalid by reason of having been located on lands included in a permit, lease, application or offer under the Mineral Leasing Act or known to be valuable for minerals subject to disposition under that act. In recognition of the need for multiple mineral development of the public lands the validation afforded by the act of August 12, 1953, was made subject to the reservation to the United States of all Leasing Act minerals, together with appropriate rights of entry and operation.

The act of August 12, 1953, was a limited and temporary measure and it was realized that in the interest of multiple mineral development of the public lands further legislation of a general scope was necessary. The report, Mining Claims on Oil Lands of

the Senate Interior Committee on S. 1397 (S. Rept. 593, 83d Cong., 1st sess.), pointed out this need, setting forth in this connection a report from the Department of the Interior, urging adoption of legislation which would permit lands leased for oil and gas or other minerals under the Mineral Leasing Act, or known to be valuable for such minerals, to be also utilized for mineral development under the mining laws, and which, conversely, would reserve Leasing Act minerals from future mining claims and patents under the mining laws.

POSITION OF MINING INDUSTRY AND OIL OPERATORS

As a result of the committee's findings and action with respect to Public Law 250, the Department of the Interior subsequently requested both the oil and gas industry and the mining industry to consider the problem jointly with a view to assisting Congress to work out a solution on a permanent basis.

Responsive to this request the National Petroleum Council made a report to the Secretary recommending legislation which "would adequately reconcile the conflicting scope and operation of the mining laws and the Mineral Leasing Act for the purpose of the oil and gas industry and the mining industry, and in the best interests of the United States, and would result in increased development of the oil and gas resources of the public lands without infringing any of the proper benefits now accorded the mining industry by the mining laws or retarding development of mineral resources under those laws."

The American Mining Congress at its 1953 meeting adopted the following declaration of policy:

"We recognize that the coexistence of two systems for acquiring rights to prospect for and remove the mineral resources of the public domain—one under the general mining laws and the other under the Mineral Leasing Act of 1920—has resulted in conflicts. We believe that the conflicts in these two systems should be carefully reviewed and an effort made to remove them, so as to eliminate, insofar as possible, any restriction of opportunity for development of our mineral resources, while leaving intact the basic principles and fundamental benefits of our system of mining locations."

EXPLANATION OF THE PROVISIONS

The first three sections of S. 3344 are technical in nature, and are designed to protect equities which were created in part as a result of consideration and enactment of Public Law 250 last year. Public Law 250 provided a cutoff date of January 1, 1953, for validation of mining claims made on lands under oil and gas lease. Enactment of the law did not of course cause prospecting for uranium to stop, after that date, nor was it the intent of the law that it should stop.

In both the hearings and the committee report on S. 1397, establishment of leasing procedures by the Atomic Energy Commission were envisioned. These procedures were in fact set up on a general basis by AEC Circular No. 7, issued January 29, 1954, and generally understood by prospectors to be effective February 10, 1954. Prospecting for fissionable source materials continued on the Colorado Plateau and elsewhere, and such activity was not discouraged in any way either by the Atomic Energy Commission or the Department of the Interior.

As pointed out, enactment of S. 3344 would open to location under the mining laws vast areas now withdrawn from such location under the mineral leasing laws. Sections 1, 2, and 3 of the bill would establish preference categories in order to protect mining claimants on such lands who have heretofore proceeded in good faith. Unless this were done, there would be a mad scramble to relocate such areas in an

effort to capitalize on the title uncertainties inherent in the present situation. Serious conflicts, controversies and possible injustices would result.

Accordingly the sections grant (1) protection preference to any person who had located a claim prior to January 1, 1953, and who attempted to validate the claim under Public Law 250; (2) subject to (1), protection to any person who located a claim after December 31, 1952, and prior to February 10, 1954 (the effective date of AEC's Circular 7); and (3) subject to (1) and (2), a preference right to any person who, prior to the enactment of the bill, has posted notice of or filed application for or has secured a lease from the Atomic Energy Commission.

The committee believes that both equitable and national considerations warrant the relief accorded covered by the sections.

Sections 4, 5, and 6 of the bill deal with the basic problems of conflict between the mining laws and the Mineral Leasing Act. Section 4 would make future mining claims and patents under the mining laws subject to the reservation to the United States of all minerals which are disposable under the Mineral Leasing Act, together with rights of entry and operation. Section 5 would permit the location of mining claims on lands which are subject to leases, permits, applications, or offers under the Mineral Leasing Act or which are known to be valuable for the minerals disposable under the Mineral Leasing Act. Section 6 prescribes the principles of operation to be followed in conducting mining operations and Mineral Leasing Act operations on the same lands.

Section 7 provides a procedure under which a lessee, permittee, applicant, or offeror under the Mineral Leasing Act may obtain a determination as to the existence of unpatented mining claims on the land under which rights in the oil and gas or other Leasing Act minerals are asserted, and the ownership of the rights so asserted. This procedure looks toward eliminating the title uncertainties which follow from the possible existence of unidentifiable mining locations and from the uncertain status of old and inactive locations, conditions which have retarded oil, gas, and other mineral development of the lands affected.

Section 8 provides that the owner of an unpatented mining claim heretofore located may relinquish all rights under the claim to the oil and gas and other Leasing Act minerals. This provision would assist in the negotiation of settlements and the avoidance of conflicts.

Section 9 of S. 3344 as reported is a new section added by the committee as a result of evidence that in some instances withdrawal of an area for one mineral has needlessly prevented development of deposits of other minerals in the same area. For example, a substantial reserve of helium was discovered by a Federal lessee while drilling for oil. Under existing law (act of September 1, 1937; 50 Stat. 885), the United States has title to all helium on the public lands and the area was immediately withdrawn. There was strong geologic evidence that a substantial oil deposit lay underneath the helium, and that the oil could be extracted without harm to the helium deposit. Yet, since the land was subject to the helium withdrawal, the oil deposit could not be developed.

The committee's amendment set forth in section 9 is designed to permit the development of leasable mineral resources, other than the one for which the withdrawal was made, in lands withdrawn for mineral purposes.

Section 10 of the reported bill covers the same subject matter as section 9 of S. 3344 as introduced. The language of subsections (a), (b), and (c) of the present section 10 is that proposed by the Atomic Energy Commission in its report to the committee and

explained in detail by spokesmen for the Commission in the hearings. Department of the Interior spokesmen informed the committee that Interior would defer to the Commission's views as to the wording of the first three subsections, and strongly urged the adoption of the provision incorporated in subsection (d).

Section 10 of the reported bill would accomplish two principle objectives:

(1) Deletion of the reservation to the United States of fissionable material in the lands of the United States now in the Atomic Energy Act; and

(2) Confirmation of the validity of otherwise valid mining claims located on the basis of a discovery of fissionable source material alone.

Deletion of the reservation of fissionable materials necessitates several amendments to the Atomic Energy Act and these are set forth in subsections (a) (b) and (c) of section 10 in accordance with the Commission's recommendation.

Attention is directed to the following statement of the Commission in its favorable report to the committee:

"This (id est, deletion of the reservation) would represent no economic loss to the Government since at no time has the Atomic Energy Commission paid less for source materials originating on lands subject to the reservation than it has for source materials originating on lands to which the reservation had no application. The principal practical effect of the reservation thus far has been detrimental to the Commission's program in that, although neither the Commission nor the Department of Interior believes there is legal ground for it, doubt has arisen in the mining industry as to whether a mining claim based on the discovery of a source material alone is legally valid. Complete deletion of the reservation would place source materials on the same footing as any other minerals within the scope of the mining laws of 1872, as amended, and thereby leave no doubt whatsoever on this score."

Subsection (d), as stated, was adopted on the recommendation of the Department of the Interior to remove the cloud presently existing on claims located for fissionable materials by reason of the reservation.

Under a 1947 ruling by an official of the Department of the Interior, the reservation in section 5 (b) (7) of the Atomic Energy Act was interpreted as precluding mining locations for fissionable source materials (appeal of Jesse C. Clark, A. 24521, January 14, 1947). Although the Atomic Energy Commission has not given the act that interpretation and has encouraged mining locations for such materials, and although in the hearings spokesmen for the Department of the Interior testified that the present position of the Department is that such claims are valid, doubt does in fact still exist as to the validity of claims made on the basis of discovery or a source material alone. Subsection (d) of section 10 would protect mining claims against any invalidity by reason of having been located for fissionable source materials, and make it clear that the Atomic Energy Act does not preclude the location and patenting of mining claims for those materials, subject to the limitations in the act as to the disposal and use of such materials.

Section 11 defines the terms used in S. 3344, and sets forth the specific citation of the laws directly involved. The amendment to the definition of the term "uranium lease application" was made in accordance with the recommendation of the Atomic Energy Commission.

Section 12 is the usual "saving clause," providing that if any part of the measure shall be held to be invalid or unenforceable, the remaining provisions shall not be affected by such a holding.

The title is amended to insert the words "and the mining laws" after the words "mineral leasing laws."

THE AMENDMENTS

In addition to rewriting entirely the present section 10, and adding section 9, as discussed above, the committee adopted one other amendment of substance, based on the hearings. Additional provisions were added to subsection (a) of section 7 to require that before the lessee, permittee, applicant or offeror under the Mineral Leasing Act invokes the procedure provided for in section 7, a notice of the filing of his application or his offer or the issuance of his permit or lease shall be filed for record in the county office of record for the county in which the lands involved are situated, and that his request for publication of the notice which commences the procedure shall be accompanied by a certified copy of the recorded notice of his application, offer, permit, or lease.

The Committee added these provisions in an effort to afford further protection to the holder of a mining claim or interest therein.

CONCLUSION

Your committee is convinced that enactment of S. 3344, as amended, would result in greatly increased development of the mineral resources of the public lands of the United States, including increased domestic supplies of fissionable source materials. It therefore recommends prompt approval of the measure by the Senate.

REPORTS OF EXECUTIVE AGENCIES

The favorable reports of the Atomic Energy Commission and of the Department of the Interior are set forth in full below. Also set forth is the favorable comment of the Joint Committee on Atomic Energy of the Congress. The joint committee's views were sought since it is considering bills for overall revision of the Atomic Energy Act and the Interior Committee wished to do nothing at variance with or inconsistent with the probable action of the joint committee with respect to source materials.

UNITED STATES ATOMIC ENERGY COMMISSION,

Washington, D. C., May 21, 1954.

Hon. HUGH BUTLER,
Chairman, Committee on Interior and Insular Affairs, United States Senate.

DEAR SENATOR BUTLER: Our views have been requested on S. 3344 and H. R. 8892, identical bills to amend the mineral leasing laws to provide for multiple mineral development of the same tracts of the public lands, and other purposes.

Insofar as they bear upon the activities and field of interest of the Atomic Energy Commission, the bills appear to have two major objectives:

1. To permit establishment of mining claims under the mining laws on lands to which the mineral leasing acts are applicable and

2. To confirm that despite the reservation to the United States of source material in the public lands set forth in section 5 (b) (7) of the Atomic Energy Act of 1946, as amended, valid mining claims may be established on the basis of a discovery of a source material alone.

We are of the opinion that realization of both objectives would further the Commission's aim of encouraging greater domestic production of source materials and are therefore happy to state our recommendation that the proposal be enacted. We should like to suggest certain amendments, however, which we believe are fully in keeping with the apparent purposes of the bills. The changes we suggest fall into two categories.

First, a group of formal changes which require very little discussion, all falling on page 21 of the committee prints:

1. In lines 1 and 2 of page 21, reference is made to the act of August 1, 1946, and "all

heretofore enacted acts which are amendatory of or supplementary to said act." Since it might be difficult to determine with certainty what acts are "supplementary to" the Atomic Energy Act of 1946, our suggestion would be to substitute the words "as amended" for the longer phrase just quoted.

2. In line 7 of page 21 reference is made to "section 5 (b) (7) of the Atomic Energy Act." We believe that the reference should be to section 5 (b) (1).

3. In lines 8 through 14 of page 21 definitions are set forth of "uranium lease application" and "uranium lease." Both are defined by reference to the provisions of the Commission's Domestic Uranium Program Circular 7. We assume that all uranium lease applications or uranium leases relating to oil and gas lands are meant to be comprehended and that the reference to Circular 7 is intended to be shorthand for this purpose. The fact that the Commission both received some applications and issued some leases prior to the promulgation of Circular 7 produces the result that the shorthand phrase is somewhat deficient for its intended purpose. It is suggested that lines 8 to 14 be revised to read as follows:

"Uranium lease application" shall mean an application for a uranium lease filed with said Commission with respect to lands which would be open for entry under the mining laws except for their being lands embraced within an offer, application, permit, or lease under the mineral leasing laws or lands known to be valuable for minerals leasable under those laws; "uranium lease" shall mean a uranium mining lease issued by said Commission with respect to any such lands;

Second, substitution of an entirely different draft for section 9 of the bills. This proposed alternative, set forth in full in the attached memorandum, is believed to be entirely consistent, so far as objectives are concerned, with section 9 as now set forth in the bills. It embodies the substance of proposals set forth in a general bill to amend the Atomic Energy Act, H. R. 8862 and S. 3323, now under consideration by the Joint Committee on Atomic Energy. It approaches the problems created by the reservation embodied in section 5 (b) (7) of the Atomic Energy Act by expunging the reservation from the act in its entirety. This would represent no economic loss to the Government since at no time has the Atomic Energy Commission paid less for source materials originating on lands subject to the reservation than it has for source materials originating on lands to which the reservation had no application. The principal practical effect of the reservation thus far has been detrimental to the Commission's program in that, although neither the Commission nor the Department of Interior believes there is legal ground for it, doubt has arisen in the mining industry as to whether a mining claim based on the discovery of a source material alone is legally valid. Complete deletion of the reservation would place source materials on the same footing as any other minerals within the scope of the mining laws of 1872, as amended, and thereby leave no doubt whatsoever on this score.

With the deletion of the reservation, three related amendments of the Atomic Energy Act of 1946 become necessary:

1. The reservation of section 5 (b) (7) includes a right to enter upon the land and prospect for, mine, and remove source materials, with just compensation for any damage or injury occasioned thereby. Because section 5 (b) (5) of the Atomic Energy Act in its present form authorizes the Commission to acquire by purchase or condemnation supplies of source materials or any interest in real property containing deposits of source materials, the deletion of the part of the reservation giving the United States rights to enter upon lands containing source materials is of no great consequence to the

Commission. On the other hand, the Commission's authority under section 5 (b) (5) to acquire source materials and interests in real property containing them does not explicitly comprehend acquisition of prospecting and exploratory rights in lands deemed to have possibilities of containing source materials. Hence, it is suggested that the scope of section 5 (b) (5) be enlarged to comprehend exploratory and prospecting rights. With section 5 (b) (5) thus amended, section 5 (b) (6) in its present form would be superfluous and should be deleted.

2. Although enactment of S. 3344 and H. R. 8892 would no longer make it necessary for the Commission to issue leases for source materials with respect to oil and gas lands, a narrow area would remain (e. g., source materials discovered on lands withdrawn other than by reason of the application of the mineral leasing laws) in which the only way the Commission could be assured of making deposits of source materials available for development and mining by private industry would be through the exercise of the leasing power. The Commission's existing power to issue leases is legally founded upon the reservation now set forth in section 5 (b) (7) of the Atomic Energy Act. Hence, if the reservation is deleted as proposed, it will be necessary to add an explicit authorization to the Commission to issue leases for source materials with respect to lands belonging to the United States.

3. Since the reservation would be deleted for the future and since, where it exists, it is productive of uncertainty rather than advantageous to the Government, it is believed desirable to authorize the heads of agencies who have issued conveyances subject to the reservation to release the present holders of the land from the reservation. As indicated above this would put to rest any lingering doubts about validity of the claims in question without sacrifice of any substantial interest by the Government.

The pressure of time has prevented us from submitting this report to the Bureau of the Budget.

Sincerely yours,

LEWIS L. STRAUSS, *Chairman.*

DEPARTMENT OF THE INTERIOR,

OFFICE OF THE SECRETARY,

Washington, D. C., May 14, 1954.

Hon. HUGH BUTLER,
Chairman, Committee on Interior and Insular Affairs, United States Senate,
Washington, D. C.

MY DEAR SENATOR BUTLER: This in reply to the request of your committee for a report on S. 3344, a bill to amend the mineral leasing laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes.

I recommend the enactment of this bill.

The United States mining laws provide for the location of mining claims on public lands containing valuable mineral deposits (30 U. S. C., sec. 22 et seq.). After February 25, 1920, deposits of coal, phosphate, sodium, potassium, oil, oil shale, or gas became subject to disposition under the mineral-leasing laws (30 U. S. C., sec. 181 et seq.). Section 37 of the 1920 act provided that, except as to valid claims then existing, such deposits could be disposed of only under the mineral-leasing laws (30 U. S. C., sec. 193). Lands which were known to be valuable for minerals subject to the leasing laws or which were included in leases, permits, or applications or offers therefor could no longer be acquired under the mining laws.

To permit multiple development of lands in these latter categories, Congress passed the act of August 12, 1953 (67 Stat. 539), which, under certain conditions, validated mining claims located on such lands after July 31, 1939, but not later than December 31, 1952. S. 3344 would make some revi-

sions in the terms of the 1953 act, but, in general, holders of such mining claims located after December 31, 1952, and prior to February 10, 1954, would be given the same benefits as those located prior to January 1, 1953, and these benefits would apply to a mining location which is made after the enactment of S. 3344.

The first three sections of S. 3344 provide for the validation of mining claims located subsequent to July 31, 1939, and prior to February 10, 1954, together with provisions for the conversion, at the election of the owners thereof, of uranium leases issued by the Atomic Energy Commission and applications for such uranium leases.

Sections 4 through 8 are provisions of general application, modifying the mineral-leasing laws and the mining laws in certain significant respects in the interests of encouraging multiple-mineral development on mining claims and lands previously subject to mineral development only under the mineral-leasing laws.

Section 9 would revise section 5 (b) (7) of the Atomic Energy Act of 1946 (42 U. S. C., sec. 1805) and section 3 of the act of August 12, 1953, supra, to remove any doubts that mining claims have been and may be validly located for valuable deposits of fissionable-source materials. This provision appears to be of utmost importance to the maintenance of an adequate supply of fissionable-source materials. However, this Department defers to the views of the Atomic Energy Commission with respect to the specific language proposed.

The following section-by-section discussion is limited to the important additions to or changes in the provisions of existing law (including the act of August 12, 1953, supra).

The provision in section 1 of the bill calling for posting and recording of amended notices of location is patterned after the 1953 act. However, if the claimant previously has filed a lease application or obtained a lease under Domestic Uranium Program Circular 7 of the Atomic Energy Commission for the same land, he would be required to file with the Commission a withdrawal of any such application or a release of any such lease and to record a notice of his withdrawal or release in the office where his notice of mining location shall have been filed. This provision seems very desirable, since it should tend to clarify the record title where both uranium leases and mining claims would otherwise cover the same land.

Section 2 deals with possible conflicts which may arise between mining claimants. The first possible conflict dealt with is that between (a) mining claims located prior to January 1, 1953, and (b) claims located after December 31, 1952, but prior to February 10, 1954. The second possible conflict mentioned is between (c) claims located prior to February 10, 1954, and (d) claims located after the date of enactment of these bills. In the case of the first possible conflict, claims in category (b) are to be presumed as located December 11, 1953, which is the day following the last date for recording category (a) mining claims under the 1953 act. In the case of the second possible conflict, claims in category (d) are to be presumed as located 121 days after enactment of the bill, that is, the day following the last date for recording category (c) mining claims.

Section 3 gives the holder of any pending uranium lease application or of a uranium lease a preference right to locate a mining claim within 120 days after the enactment date as against claimants attempting to locate a claim after the date of enactment. Provision is made for priorities among conflicting claimants to this preference right.

Under section 4 of the bill all mining claims and millsites located after enactment would be subject to a reservation to the United States of leasing act minerals. All

claims validated by the bill would also be subject to such a reservation.

Section 5 expressly provides for the location, after enactment, of mining claims on lands valuable for leasable minerals, or included in a mineral lease or permit, or an application or offer for a mineral lease or permit.

Section 6 of the bill would set up legal standards for leasing act and mining operations on the same lands. Each type of operation generally would be required to be conducted so as not to endanger or materially interfere with any existing surface or underground improvements, workings, or facilities made for the other type of operation, or with the utilization of such improvement, workings, or facilities. An exception is provided permitting such injury or damage if a court of competent jurisdiction finds that the refusal to permit the injury or damage would cause greater damage than that which would result to the existing improvements, workings, or facilities, or from interference with the utilization thereof, if the use were allowed. However, fair compensation would be required. Provision is also made for interchange of information and reasonable access to each other's facilities, workings, and improvements.

Section 7 authorizes publication of notice of any leasing act permit, lease, or application or offer for such permit or lease. The mining claimant may file a claim to minerals subject to the mineral leasing laws by reason of his mining location. If he does not file his claim within 150 days after the date of first publication of the notice, any claim or right to these minerals by the locator will be deemed to be relinquished. If a claim is asserted, this Department would hold hearings to determine the right of the claimant to the minerals. This provision would delay somewhat the issuance of mineral leases and permits, but would furnish the mineral lessee or permittee with some security of title with respect to outstanding claims to the land he wishes to explore or develop. The publication provisions are comparable to those applicable to contests of applications for mineral patents under the mining laws.

A typographical error on page 8, line 6, of the bill may be corrected by striking out the word "law" and inserting in lieu thereof the word "laws." This Department strongly supports this bill since it would encourage fuller mineral development of the public lands.

Since I am informed that there is a particular urgency for the submission of the views of the Department, this report has not been cleared through the Bureau of the Budget and, therefore, no commitment can be made concerning the relationship of the views expressed herein to the program of the President.

Sincerely yours,

ORME LEWIS,

Assistant Secretary of the Interior.

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON ATOMIC ENERGY,
May 28, 1954.

Hon. HUGH BUTLER,
*Chairman, Committee on Interior and
Insular Affairs, United States Sen-
ate, Washington, D. C.*

DEAR SENATOR BUTLER: We have received the request of May 24 from Mr. Stewart French, your committee counsel, soliciting the views of this committee on S. 3344, a bill to amend the mineral leasing laws to provide for multiple mineral developments of the public lands with particular reference to section 9 of the bill which provides for certain changes in the Atomic Energy Act.

As you know, this committee is in the process of making major revisions in the Atomic Energy Act of 1946, through bills H. R. 8862 and S. 3323. Since these bills were

introduced, the committee has held extensive hearings and has put through a clean print, a copy of which is enclosed for your information.

This committee has also examined the report of the Atomic Energy Commission on S. 3344. We find that the position taken by the Commission is in line with the position presently set forth in H. R. 8862 and S. 3323. If you will refer to the clean print of the joint committee bill, you will note:

Section 66, dealing with the power of the Commission to acquire supplies of source materials, has been merged with the section on exploration, and then expanded in order to permit the Commission to condemn the right to enter upon real property deemed by the Commission to have possibilities of containing deposits of source material in order to conduct prospecting and exploratory operations for such deposits. Section 66 further permits the payment of just compensation for any interest taken in land, as is suggested to your committee by the Commission.

Section 67 is new and gives the Commission permission to issue leases of public lands. While there is some question as to the necessity of such a provision in view of the other extensive powers given to the Commission, the provision has been incorporated into the present proposal.

Section 68 contains some of the provisions of former section 67. By deleting the provisions of the original act, which contained reservations in favor of the United States with respect to the locations of source materials on public lands deeded to others, it was hoped that prospecting for source materials would be encouraged. In view of the deletion of this reservation, appropriate language was inserted in the section which would permit patentees to get new patents without any reservations. The language for this purpose is slightly different in the proposed bill than in the Commission proposals. Where the earlier language requiring the reservation provided that "the Secretary of the Interior shall cause to be inserted in every patent, conveyance, lease, permit, or other authorization, hereafter granted to use the public lands or their mineral resources * * *", the language of section 68 was drafted to provide a parallel instruction to order the issuance of new patents without the reservations. The Commission proposal would require any head of a department or an agency to issue a new or supplemental patent without such reservation. It is believed that the committee language more closely parallels the former language of the Atomic Energy Act. In addition, one new sentence has been added to section 68 requiring that any new patent shall be subject to any rights heretofore issued by the United States; then the new patent shall be subject to those rights, but the patentee shall be subrogated to the right of the United States.

It will be noted that proposed section 68 deletes the unfair advantage clause in the statute. While this clause was originally drawn to be applicable to the Manhattan Engineer District, and hence is now 8 years old, it appears to have been construed to apply to present Commission activities. Therefore, it probably will be reworded to bring it up to date and reinstated in section 68.

One very minor technical point should be mentioned in passing. It is suggested that the provisions of S. 3344 be reworded so that the phrase "fissionable source material" becomes "source material" throughout, and the clause in lines 17 through 20 of page 21 of the committee print would then read: "source material" shall mean uranium, thorium, and all other materials defined in section 5 (b) (1) of the Atomic Energy Act to be source materials."

We would, in turn, appreciate having the views of your committee on the clean print,

of H. R. 8862 and S. 3323 relating to source materials.

Sincerely yours,
STERLING COLE, Chairman.

CHANGES IN EXISTING LAW

In compliance with the Cordon rule (subsec. (4) of rule XXIX of the Standing Rules of the Senate), changes in existing law made by the bill S. 3344, as reported, are shown as follows (existing law proposed to be repealed is enclosed in black brackets, additions to existing law are italicized):

The Atomic Energy Act of 1946 (Public Law 585, 79th Cong., 2d sess.; 60 Stat. 755)

"Control of materials"

"SEC. 5. (b) Source materials:

"(1) Definition: As used in this act, the term "source material" means uranium, thorium, or any other material which is determined by the Commission, with the approval of the President, to be peculiarly essential to the production of fissionable materials; but includes ores only if they contain one or more of the foregoing materials in such concentration as the Commission may by regulation determine from time to time.

"(2) License for transfers required: Unless authorized by a license issued by the Commission, no person may transfer or deliver, receive possession of or title to, or export from the United States any source material after removal from its place of deposit in nature, except that licenses shall not be required for quantities of source materials which, in the opinion of the Commission, are unimportant.

"(3) Issuance of licenses: The Commission shall establish such standards for the issuance, refusal, or revocation of licenses as it may deem necessary to assure adequate source materials for production, research, or development activities pursuant to this act or to prevent the use of such materials in a manner inconsistent with the national welfare. Licenses shall be issued in accordance with such procedures as the Commission may by regulation establish.

"(4) Reporting: The Commission is authorized to issue such regulations or orders requiring reports of ownership, possession, extraction, refining, shipment, or other handling of source materials as it may deem necessary, except that such reports shall not be required with respect to (A) any source material prior to removal from its place of deposit in nature, or (B) quantities of source materials which in the opinion of the Commission are unimportant or the reporting of which will discourage independent prospecting for new deposits.

["(5) Acquisition: The Commission is authorized and directed to purchase, take, requisition, condemn, or otherwise acquire, supplies of source materials or any interest in real property containing deposits of source materials to the extent it deems necessary to effectuate the provisions of this act. Any purchase made under this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and partial and advance payments may be made thereunder. The Commission may establish guaranteed prices for all source materials delivered to it within a specified time. Just compensation shall be made for any property taken, requisitioned, or condemned under this paragraph.]

(5) Acquisition: *The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this act, to purchase, take, requisition, condemn, or otherwise acquire—*

"(A) supplies of source materials or any interest in real property containing deposits of source materials; and

"(B) rights to enter upon any real property deemed by it to have possibilities of containing deposits of source materials and to conduct prospecting and exploratory operations for such deposits.

Any purchase made under this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and partial and advance payments may be made thereunder. The Commission may establish guaranteed prices for all source materials delivered to it within a specified time. Just compensation shall be made for any property or interest in property taken, requisitioned, or condemned under this paragraph.

["(6) Exploration: The Commission is authorized to conduct and enter into contracts for the conduct of exploratory operations, investigations, and inspections to determine the location, extent, mode of occurrence, use, or conditions of deposits or supplies of source materials, making just compensation for any damage or injury occasioned thereby. Such exploratory operations may be conducted only with the consent of the owner, but such investigations and inspections may be conducted with or without such consent.]

(6) Operations on lands belonging to the United States: *The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this act, to issue leases or permits for prospecting for, exploration for, mining, or removal of deposits of source materials (or for any or all of these purposes) in lands belonging to the United States.*

["(7) Public lands: All uranium, thorium, and all other materials determined pursuant to paragraph (1) of this subsection to be peculiarly essential to the production of fissionable material, contained in whatever concentration, in deposits in the public lands are hereby reserved for the use of the United States subject to valid claims, rights or privileges existing on the date of the enactment of this act: *Provided, however, That no individual, corporation, partnership, or association, which had any part, directly or indirectly, in the development of the atomic bomb project, may benefit by any location, entry, or settlement upon the public domain made after such individual, corporation, partnership or association took part in such project, if such individual, corporation, partnership, or association, by reason of having had such part in the development of the atomic bomb project, acquired confidential official information as to the existence of deposits of such uranium, thorium, or other materials in the specific lands upon which such location, entry, or settlement is made, and subsequently to the date of the enactment of this act made such location, entry, or settlement or caused the same to be made for his, its, or their benefit. The Secretary of the Interior shall cause to be inserted in every patent, conveyance, lease, permit, or other authorization hereafter granted to use the public lands or their mineral resources, under any of which there might result the extraction of any materials so reserved, a reservation to the United States of all such materials, whether or not of commercial value together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby. Any lands so patented, conveyed, leased, or otherwise disposed of may be used,*

and any rights under any such permit or authorization may be exercised as if no reservation of such materials had been made under this subsection; except that, when such use results in the extraction of any such material from the land in quantities which may not be transferred or delivered without a license under this subsection, such material shall be the property of the Commission and the Commission may require delivery of such material to it by any possessor thereof after such material has been separated as such from the ores in which it was contained. If the Commission requires the delivery of such material to it, it shall pay to the person mining or extracting the same, or to such other person as the Commission determines to be entitled thereto, such sums, including profits, as the Commission deems fair and reasonable for the discovery, mining, development, production, extraction, and other services performed with respect to such material prior to such delivery, but such payment shall not include any amount on account of the value of such material before removal from its place of deposit in nature. If the Commission does not require delivery of such material to it, the reservation made pursuant to this paragraph shall be of no further force or effect.]

(7) Public lands: *No individual, corporation, partnership, or association, which had any part, directly or indirectly, in the development of the atomic bomb project, may benefit by any location, entry, or settlement upon the public domain made after such individual, corporation, partnership, or association took part in such project, if such individual, corporation, partnership, or association, by reason of having had such part in the development of the atomic bomb project, acquired confidential official information as to the existence of deposits of such uranium, thorium, or other materials in the specific lands upon which such location, entry, or settlement is made, and subsequently to the date of the enactment of this act made such location, entry, or settlement or caused the same to be made for his, or its, or their benefit. In cases where any patent, conveyance, lease, permit, or other authorization has been issued, which reserved to the United States source materials and the right to enter upon the land and prospect for, mine, and remove the same, the head of the department or agency which issued the patent, conveyance, lease, permit, or other authorization shall, on application of the holder thereof, issue a new or supplemental patent, conveyance, lease, permit, or other authorization without such reservation.*

APPENDIX

(The act of August 12, 1953 [67 Stat. 539], to which reference is made in S. 3344, is set forth below.)

Public Law 250, 83d Congress, Chapter 405, 1st Session, S. 1397

An act relating to mining claims located on land with respect to which a permit or lease has been issued, or an application or offer for permit or lease has been made, under the mineral leasing laws, or known to be valuable for minerals subject to disposition under the mineral leasing laws, and for other purposes

Be it enacted, etc., That (a) subject to the provisions of this act and to any valid intervening rights acquired under laws of the United States, any mining claim located under the mining laws of the United States subsequent to July 31, 1939, and prior to January 1, 1953, on lands of the United States which were, at the time of such location—

(1) included in a permit or lease issued under the mineral leasing laws; or

(2) covered by an application or offer for a permit or lease which had been filed under the mineral leasing laws; or

(3) known to be valuable for minerals subject to disposition under the mineral leasing laws;

shall be effective to the same extent as if such mining claim had been located on lands which were at the time of such location subject to location under the mining laws of the United States: *Provided, however,* That in order to obtain the benefits of this act, the owner of any such mining claim shall, not later than 120 days after the date of enactment of this act, post on such claim in the manner required for posting notice of location of mining claims and file for record in the office where the notice or certificate of location of such claim is of record an amended notice of location of such claim, stating that such notice is filed pursuant to the provisions of this act and for the purpose of obtaining the benefits thereof.

(b) Labor performed or improvements made upon or for the benefit of such mining claims after the original location thereof shall be recognized as applicable thereto for all purposes to the same extent as labor performed and improvements made upon or for the benefit of mining claims which are not affected by this act.

(c) Any withdrawal or reservation made after the original location of such mining claim affecting land covered by such mining claim is hereby modified and amended so that the effect thereof upon such mining claim shall be the same as if such mining claim had been located upon the lands of the United States, which, subsequent to July 31, 1939, and prior to the date of such withdrawal, were subject to location under the mining laws of the United States.

SEC. 2. Any mining claim given force and effect as provided in section 1 of this act shall be subject to the reservation to the United States of all minerals which, upon the effective date of this act, are provided in the mineral leasing laws to be disposed of thereunder, and the right of the United States, its lessees, permittees, and licensees, to enter upon the land covered by such mining claim to prospect for, mine, treat, store, and remove such minerals, and to use so much of the surface and subsurface of such mining claim as may be necessary for such purposes, and to enter upon such land whenever reasonably necessary for the purpose of prospecting for, mining, treating, storing, and removing such minerals on and from other lands of the United States; and any patent issued for any such mining claim shall contain such reservation.

SEC. 3. The rights under any mining claim given force and effect by this act shall also be subject to the reservation to the United States specified in section 5 (b) (7) of the Atomic Energy Act of 1946, as amended, and, in addition, any reservation or reservations required by any other provision or provisions of law; and any patent issued for such mining claim shall contain such reservations.

SEC. 4. Except as this Act provides for (a) validation of certain mining claims located on lands described in section 1 of this act, and (b) the modification and amendment of certain withdrawals or reservations of land, nothing in this act shall affect any power or authority duly vested in the Atomic Energy Commission or any other agency, department, or officer of the United States to make leases, withdrawals, reservations, or other arrangements with respect to source materials as defined in section 5 (b) (1) of the Atomic Energy Act of 1946, as amended.

SEC. 5. As used in this act, "mineral leasing laws" shall mean the act of October 20, 1914 (38 Stat. 741); the act of February 25, 1920 (41 Stat. 437); the act of April 17, 1926 (44 Stat. 301); the act of February 7, 1927 (44 Stat. 1057); and all acts heretofore or hereafter enacted which are amendatory of or

supplementary to any of the foregoing acts. Approved August 12, 1953.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MILLIKIN. Mr. President, I too, wish to thank the distinguished Senator from Wyoming for the excellent work he has done previously and has done on the floor of the Senate today in connection with the bill.

Mr. BARRETT. I thank the distinguished Senator from Colorado, but I may say, Mr. President, that the Senator from Colorado is the author of the proposed legislation. He deserves great credit for inducing the conflicting industries of the Western States to get together and to agree to the introduction of the measure which will prove to be in the public interest in the long run.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: "A bill to amend the mineral leasing laws and the mining laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes."

AMENDMENT OF MINERAL LEASING ACT OF FEBRUARY 25, 1920, AS AMENDED

Mr. CARLSON. Mr. President, I move that the Senate proceed to the consideration of Calendar 1621, Senate bill 2380, to amend section 17 of the Mineral Leasing Act of February 25, 1920, as amended.

The PRESIDING OFFICER. The clerk will state the bill by title.

The LEGISLATIVE CLERK. A bill (S. 2380) to amend section 17 of the Mineral Leasing Act of February 25, 1920, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 2380) to amend section 17 of the Mineral Leasing Act of February 25, 1920, as amended, which had been reported from the Committee on Interior and Insular Affairs with an amendment.

CONSTRUCTION AT MILITARY AND NAVAL INSTALLATIONS

Mr. LONG. Mr. President, I rather doubt that the Senate will reach the consideration of the military construction bill this evening. In order that Senators may understand the motion I intend to make when the bill is called up, I believe I should discuss it, in order that my remarks will appear in the RECORD which will be available tomorrow.

I have had some experience on the Committee on Armed Services. At one time I had the honor of serving on a subcommittee which dealt with military construction. At that time the committee worked very diligently in an ef-

fort to find ways of economizing on military spending.

The subcommittee was instrumental in reducing the military construction bill of 1952 by about \$700 million, in ways which would not prevent a single plane from flying, a single gun from shooting, or a single ship from sailing.

Having seen the manner in which enormous waste creeps into the military construction program, I have become very much concerned about the military construction authorization bill, which will soon be called up.

The item which concerns me most is an item which the committee turned down at the time when I had an opportunity to serve on the committee. That was an item calling for \$100 million of additional barracks, which was rejected 2 years ago on the basis that the Army already had a sufficient number of barracks.

At that time the committee carefully studied the item, and concluded that it was completely wasteful, when there were already plenty of barracks, to proceed with the construction of another \$100 million worth of barracks. The only argument which was made at that time in favor of the additional construction was that in the event war broke out, it would be necessary to construct many additional barracks buildings; that there would be such a demand for additional barracks buildings that it would be well if the Government had a large number of empty barracks across the Nation, because, in the event of an emergency, they could be filled immediately, and there would be a head start on a barracks-construction program.

That was not a very compelling argument, because there were so many other things which would be needed besides barracks, in the event a war broke out, and the committee felt that a priority should be established on items which would be more difficult to obtain. Therefore, the item for barracks was removed from the military construction bill of 1952.

Since that time the strength of the Army has been reduced by 20 percent. Army bases are being closed all over the United States. For example, in the State which I have the honor, in part, to represent, Camp Polk has been closed. At Camp Polk there are barracks facilities sufficient to house around 40,000 men. Camp Pickett, in Virginia, was closed on the same day. Camp Atterbury, in Indiana, has been closed recently. Those camps are good operating bases, having a large amount of barracks space. Congress was told that in closing those bases, great economies would be effected.

Mr. President, I am not opposing the additional \$100 million for barracks merely because someone has closed Camp Polk in Louisiana. When I was chairman of the subcommittee, we removed this identical \$100 million item from the bill. There is less need now for an additional \$100 million worth of barracks than there was then. The military officials have dressed up the argument, but it is the same old wasteful item about which they are arguing today. Now it is said that it is believed there would be a

higher rate of enlistments, that more men would be willing to sign up for a second term in the Army, if better barracks were provided for the men to live in. Whom do the military think they are "kidding"? They are going to get the manpower for the Army in the future just as they get it now, by drafting youth of the land. Young men do not intend to reenlist and to face the risk of fighting another Korean type of war, in which there is such inequality of sacrifice; a war in which they will have to go out and face the enemy on the battlefield, while so many others stay at home with their families.

Mr. President, it simply does not make sense to embark upon a program of replacing the barracks of the Nation with new barracks. This is only the first instance. Once a start is made on building new barracks across the Nation, to replace barracks already in existence, old barracks which are adequate today and will be adequate for many years to come, we shall have to replace a billion dollars' worth of barracks. No one knows exactly how many it will be necessary to build.

Better soldiers will not be developed merely by building better barracks buildings.

The construction of additional barracks would be wasteful of funds. I have alerted the distinguished chairman of the subcommittee to the wastefulness of this item, and I am pleased to say that the item has been cut by one-half. We started with about \$90 million, and it has been reduced to \$45 million. However, when the bill is called up in the Senate, I intend to move to recommit it, with instructions to reduce the amount in the bill by another \$45 million, having in mind that this particular item should be reduced.

I know the committee has worked diligently on the problem. I know of no Member of the Senate who is any more diligent or conscientious in trying to avoid waste of public funds than is the distinguished Senator from South Dakota [Mr. CASE], the chairman of the subcommittee. But I believe that in this instance the committee has erred in permitting this item to slip through.

Mr. CASE. Mr. President, will the Senator yield?

Mr. LONG. I yield to the Senator from South Dakota.

Mr. CASE. I appreciate the kind remarks of the Senator from Louisiana. My reason for asking the Senator to yield is that I propose to point out what the Senator from Louisiana perhaps has already pointed out, namely that the bill which we hope will be taken up for consideration, H. R. 9242, does not propose to reconstruct all the barracks in the military installations of the United States. The proposal as submitted really embraces two parts, one of which is what was called the hard core program, which was in the original estimates of the Department of Defense. Subsequently there was a proposal for approximately \$96 million worth of barracks replacements.

The bill as it passed the House carried both parts, the so-called hard core

program, and also the provision for \$96 million worth of authorizations for replacement of barracks. By the term "barracks" was meant not merely enlisted men's barracks, but bachelor officers' quarters.

The Subcommittee on Real Estate and Military Construction of the Senate Committee on Armed Services, in its report and recommendations to the full committee, and now to the Senate, in the bill which will be before the Senate for early consideration, cut that supplementary program approximately in two, leaving, in the recommendations on the bill, one-half of the proposal for the enlisted men's barracks, and one-half of the proposal for bachelor officers' quarters.

I merely point out that fact because, if the record is being made with the thought that it may be available for reading by Members of the Senate, they should know, before conclusion of the debate or consideration of the bill tomorrow, that the bill does not contemplate a complete reconstruction of barracks facilities in the United States, even if all the \$96 million were authorized. As reported, there is provided only approximately one-half of the increment recommended in the requests of the Department of Defense.

Mr. LONG. The point I had in mind was that this is the beginning of the program. In his message, the President announced that he intended to start a program to replace barracks throughout the Nation. Here is the first increment asked for, amounting to almost \$100 million. That is the beginning of the program. If this amount is granted, we are going to have to grant the rest of the requests as they come along.

I should like to compliment the committee for writing into the bill certain provisions in an effort to guarantee economies which could be effected. For example, on page 71 the committee wrote that the cost for cold storage should not exceed \$20 a square foot. I hold in my hand the Senate committee report written in 1952, at a time when I was a member of the subcommittee. I wrote the report. We recommended that the costs for cold storage should not exceed \$20 a square foot.

The committee also wrote into the bill the provision that the cost for warehousing should not exceed \$6 a square foot. We had also written that recommendation into the committee report accompanying the Naval and Military Construction Act of 1952. The same was true of the recommendation that barracks should not exceed a cost of \$1,700 a man, or \$1,400 a man for lifetime barracks, and that bachelor officers' quarters should not exceed a cost of \$5,000 a man.

I only wish the committee had written into the proposed law an additional provision which was contained in the 1952 act. That was a provision creating in the Department of Defense a Director of Installations. If there were a well qualified Director of Installations in the Office of the Secretary of Defense, I confidently state that the \$1 billion bill would have been trimmed down by at least \$200 million or \$300 million.

All through the bill may be seen evidences of waste. I suspect that there is a lot more waste than just that embraced in the item on barracks.

I regret that neither the committee nor the Congress has available to it adequate advice to enable it to ascertain in what respects items in the bill involve waste. There is one item which I do not propose to touch, because there is not the time to look into it, but there is in the bill a proposed authorization of more than \$235 million for additional paving.

If they study the bill, Senators will find that of the proposed item of \$235 million for paving for the Air Force, about 50 percent of that amount is for parking aprons. Senators will further find that the amount of concrete used by the Air Force is excessive. The Air Force likes to build parking aprons so that there is an amount $3\frac{1}{2}$ times to the square of the size of the airplane. When personnel of the Air Force park airplanes, they like to be able to drive up to the rear and out front without touching any other airplanes. They like to do that, rather than have the system in effect in commercial operations. I should doubt that the commercial airlines at the National Airport here in Washington have anything like the amount of parking facilities or space that the Air Force insists upon. I have never yet seen a base where the Air Force did not have adequate facilities to park all the airplanes they were using. I have never seen a base where twice as many airplanes could not be parked.

The Marine Corps used a ratio of $1\frac{1}{2}$, instead of $3\frac{1}{2}$, to the square of the size of the airplane in actual, frontline combat fields. It is possible to get by with a lot less concrete in the parking aprons than the Air Force requests.

Mr. CASE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. CASE. Let me say that the Subcommittee on Real Estate and Military Construction of the Senate Armed Services Committee has been very appreciative of the fact that the predecessor committee did establish some unit costs in the various categories which the Senator from Louisiana has mentioned. In the work the subcommittee has been called upon to do in the past year and a half, we have seen the good results of that action. At the same time, I think it should be pointed out that the proposal to recruit a so-called Director of Installations might be somewhat difficult and might be somewhat overlapping, since, under the present Secretary of Defense, there is now an Assistant Secretary of Defense for Installations. He and his staff, to a certain extent, at least, took the place of the former Director of Installations.

Mr. LONG. I say to the Senator from South Dakota that there never was a more wasteful act done by one stroke of the pen than there was when the President of the United States heeded the advice of high-ranking officers over in the Pentagon and abolished the Office of the Director of Installations. I say that for this reason: The Senator from South Dakota is familiar with the fact

19. FORESTRY. Passed without amendment S. 2786, consenting to the Southeastern Interstate Forest Fire Protection Compact (pp. 10314-5). This bill will now be sent to the President.
Passed without amendment H. R. 6393, consenting to a South Central Interstate Forest Fire Protection Compact (pp. 10315-6).
Passed without amendment H. R. 7912, to abolish the Old Kasaan National Monument, Alaska, and return the land to national forest status (p. 10318).
20. FARM LOANS. Passed as reported S. 3487, to authorize the Central Bank for Cooperatives and the regional banks for cooperatives to issue consolidated debentures (p. 10321).
Passed as reported H. R. 7568, to direct the Farm Loan Board of Hawaii to convey certain land and to ratify and confirm certain contracts (p. 10318).
21. CCC BORROWING POWER. The Banking and Currency Committee reported without amendment H. R. 9756, to increase the CCC borrowing power by \$1½ billion (H. Rept. 2269)(p. 10413). The Rules Committee reported a resolution for consideration of this bill (p. 10414).
22. WATER FACILITIES LOANS. The Agriculture Committee reported with amendment S. 3137, to amend the Water Facilities Act (H. Rept. 2290)(p. 10414). For provisions of this bill see Digest 130.
23. PERFORMANCE RATINGS. The Post Office and Civil Service Committee reported on its study of performance ratings for Federal employees (H. Rept. 2277)(p. 10413).
24. RECLAMATION. Received the conference report on H. R. 4854, to authorize the Foster Creek division of Chief Joseph Dam project, Wash. (H. Rept. 2274) (p. 10306).
Concurred in the Senate amendment to H. R. 6786, authorizing Interior to purchase improvements or pay damages for removal of improvements located on U. S. public lands in the Palisades project area (p. 10307). This bill will now be sent to the President.
Rep. Hosmer spoke against certain bills which would authorize the Secretary of the Interior to construct and operate the Colorado River storage project (pp. 10325-6).
25. DROUGHT RELIEF. Rep. Edmondson urged immediate relief for drought stricken areas (pp. 10326-7).
26. MINERALS; PUBLIC LANDS. Passed with amendment S. 3344, to amend the mineral leasing laws to provide for multiple mineral development of the same tracts of the public lands (pp. 10342-355).
27. VOCATIONAL REHABILITATION. Received the conference report on S. 2759, to promote and assist in the extension and improvement of vocational rehabilitation services (H. Rept. 2286) (pp. 10386-92).
28. TRANSPORTATION. The Interstate and Foreign Commerce Committee reported without amendment H. R. 6310, to exempt from regulation by the CAB, operations in the transportation of livestock, fish, floricultural, and horticultural commodities (H. Rept. 2281) (p. 10413).

29. EXPORT-IMPORT BANK. The Banking and Currency Committee reported without amendment S. 3589, to provide for the independent management of the Export-Import Bank under a Board of Directors, to provide for representation of the bank on the National Advisory Council on International Monetary and Financial Problems, and to increase the bank's lending authority (H. Rept. 2270) (p. 10413). The Rules Committee reported a resolution for consideration of this bill (p. 10414).
30. VETERANS' BENEFITS. The Veterans' Affairs Committee reported with amendment H. R. 9888, to amend the laws granting education and training benefits to certain veterans to extend the period during which such benefits may be offered (H. Rept. 2279) (p. 10413).
31. FLOOD CONTROL. The Rules Committee reported a resolution for the consideration of H. R. 9859, the omnibus flood control bill (p. 10414).
32. EDUCATION. Received conference report on H. R. 9040, to authorize cooperative research in education (H. Rept. 2287) and H. R. 7434, to establish a National Advisory Committee on Education (H. Rept. 2289) (pp. 10392-3).

SENATE (cont'd)

33. APPROPRIATIONS. S. Doc. 140 (July 14) is a supplemental appropriation estimate for the Health, Education, and Welfare Department including the following items: Food and Drug Administration, a provision whereby collection of inspection fees with respect to residues of pesticide chemicals in or on raw agricultural commodities would make the services provided largely self-supporting; Office of Vocational Rehabilitation, \$6,000,000 for grants to States, \$1,831,000 for training of personnel, and \$400,000 for administrative expenses for an immediate expansion of the vocational rehabilitation program; Social Security Administration, increase in trust fund limitation from \$64,400,000 to \$79,000,000 to meet the increased workload which will result from expansion of the old-age and survivors insurance program; Federal Health Reinsurance Service, \$25,000,000 for making payments to the capital-advance fund to be established for advances to the Health Service Prepayment Plan Reinsurance Fund, and \$325,000 for expenses for handling the administration of the Federal Health Reinsurance Service and for technical, advisory, and information services to carriers and other sponsors of health service prepayment plans, and to the general public. The Bureau of the Budget letter states "It is proposed to establish the Federal Health Reinsurance Service as a separate constituent organization of the Department of Health, Education and Welfare. This Service will consist of a Director's office, a Bureau of Health Reinsurance, and Bureau of Technical and Advisory Service."

S. Doc. 137 (July 14) is a supplemental appropriation estimate for the Labor Department and includes the following items: Bureau of Employment Security, \$25,000,000 for unemployment compensation payments to Federal employees, \$3,756,000 for grants to States for unemployment compensation and employment service administration, and \$300,000 for salaries and expenses to enable the performance of Federal administrative duties.

S. Doc. 135 (July 13) is a supplemental appropriation estimate for the Interior Department and includes the following items: Bureau of Reclamation, \$875,000 to carry out general investigations work on selected reclamation projects, and \$5,963,000 to permit the initiation of construction work on 3 new projects (including the Glendo unit, Wyo.) and additional work on 4 going projects.

N. Y., to classroom spaces. While the committee recognizes the possible need for additional classroom spaces at the Academy, it desires that the Department restudy this proposal with consideration being given both to the erection of a less costly structure and to the amount of classroom space actually needed in view of present and anticipated future enrollments at the Academy.

Funds requested for post exchanges at Fort Campbell, Ky., and Camp Carson, Colo., have been denied. The requested facilities appear to be excessive in scope to the needs of these installations, particularly, with reference to the inclusion of cafeteria facilities.

The request for barracks at Ladd Air Force Base, Alaska, has been denied by the committee. As is stated elsewhere in their report, a careful study should be made of the costs of these barracks in view of the actual construction experiences of the Air Force at this same installation.

The funds allocated for advance design when coupled with unobligated balances remaining in this item will provide for the continuation of an orderly advance planning program.

The committee has allocated funds for construction of the Point Aux Pins Ammunition Terminal, Alabama, in the amount requested by the Department of the Army. These funds are to be used only for land acquisition and for dredging of a channel leading directly to the sea in the manner presented to the committee in the recent hearings in support of this project.

Funds in the amount of \$9,900,000 for the Boston Army Base, Mass., were requested by the Department of the Army. This project is authorized in H. R. 9242 and has been concurred in by both the House of Representatives and the Senate. It also involves the utilization of approximately \$1,100,000 from the Commonwealth of Massachusetts and authorizes the Secretary of the Army to lease such portions of the Boston Army Base as he may deem advisable to the Commonwealth of Massachusetts with the retention of recapture rights in any national emergency upon a determination by the Secretary of the Army that the property is needed for military purposes. The committee insists that such a lease contain terms that in the event of reentry into these facilities by the United States the return given to the Commonwealth of Massachusetts as a result of such action shall only be the proper proration of the capitalization of the \$1,100,000 contributed by the Commonwealth and shall not include any expenses of protection, repair, and maintenance of the leased premises which the Commonwealth would assume under the terms of H. R. 9242.

CHAPTER IX

Subcommittee: JOHN TABER, New York, chairman; RICHARD B. WIGGLESWORTH, Massachusetts; H. CARL ANDERSEN, Minnesota; IVOR D. FENTON, Pennsylvania; NORRIS COTTON, New Hampshire; GLENN R. DAVIS, Wisconsin; GERALD R. FORD, Jr., Michigan; J. VAUGHAN GARY, Virginia; JOHN J. ROONEY, New York; OTTO E. PASSMAN, Louisiana; CLARENCE CANNON, Missouri.

Emergency programs and activities

Department of State

Government in occupied areas: The bill includes \$14 million for carrying out the United States occupation, contractual, diplomatic, and educational exchange functions in Germany and Austria. This amount is \$1,500,000 below the amount of the budget estimate and is \$5,836,101 below the comparable appropriation for fiscal year 1954.

In addition, the \$1 million requested in House Document Numbered 428 to provide for the construction of staff housing in Austria is approved. This amount is to be used exclusively for purchase of foreign

credits owed to or owned by the United States.

Funds Appropriated to the President

Refugee relief: There is included in the bill \$7 million to carry out the provisions of the Refugee Relief Act of 1953, in which six of the major departments of Government are involved. The amount allowed is \$2,025,000 below the budget estimate and \$3,750,000 above the appropriation for fiscal year 1954. The request as contained in House Document Numbered 422 for language permitting the apportionment of the entire amount in the first 9 months of the fiscal year, if found necessary by the Bureau of the Budget, is not approved.

Department of the Army, Civil Functions

Government and relief in occupied areas: The committee recommends \$3,100,000 for expenses necessary to meet the responsibilities and obligations of the United States in connection with the government or occupation of the Ryukyu Islands, the most important of which is Okinawa. The amount provided is the same as appropriated for fiscal year 1954 and is \$950,000 below the budget estimate. It should be noted that \$600,000 of the 1954 fiscal year's appropriation was withheld by administrative action and was recently released for procurement of supplies, the economic effect of which will be realized in the present fiscal year. The Department therefore volunteered a reduction of \$600,000 in their request for the 1955 fiscal year.

Federal Civil Defense Administration

The bill includes a total of \$44,025,000 in new appropriations plus the sum of \$1,300,000 of previously appropriated funds which is continued available. The amount allowed provides approximately the same amount as was obligated during fiscal year 1954. The action with respect to each item is set forth below.

Operations: The committee recommends \$8,525,000 for this item which provides for civil defense planning, education services, operations control services, technical advisory services, field representation, executive direction, and general administration. The amount allowed is the same as was appropriated for fiscal year 1954.

Federal contributions: There is included in the bill \$10,500,000 for financial contributions to the States, pursuant to subsection (i) of section 201 of the Federal Civil Defense Act of 1950, as amended to be equally matched with State funds. The amount allowed is \$4,250,000 below the budget estimate, but is the same as the sum appropriated for fiscal year 1954. In addition, language as requested in House Document No. 385, continuing available \$1,300,000 of the unobligated balance for fiscal year 1954, is included in the bill.

Emergency supplies and equipment: The bill includes \$25 million for procurement of reserve stocks of emergency civil-defense materials as authorized by subsection (h) of section 201 of the Federal Civil Defense Act of 1950, as amended. The amount allowed is \$2,500,000 below the amount appropriated for the current fiscal year and is \$35 million below the budget estimate. The entire amount allowed is to be used for medical supplies and equipment.

Jamestown-Williamsburg-Yorktown

Celebration Commission

The sum of \$170,000, the budget estimate, is included in the bill for the operation of this Commission which was established pursuant to Public Law 263, approved August 13, 1953.

General Services Administration

Administrative expenses, Abaca fiber program: Language as requested in House Document No. 456 is included in the bill. The

administrative expense limitation has been reduced from \$148,000 to \$135,000.

Treasury Department

Federal Facilities Corporation: Language as requested in House Document No. 456 with the administrative expense limitation of \$1,954,000 is included in the bill.

CHAPTER X

Claims, audited claims, and judgments

The committee recommends the full amount of \$9,296,561 contained in House Document No. 461 to cover claims for damages, audited claims, and judgments rendered against the United States. Of this amount, \$8,031,303 represents judgments of the Court of Claims and the United States districts courts. The amount provided for claims is \$1,265,258.

CHAPTER XI

General provisions

Subcommittee: JOHN TABER, New York, chairman; RICHARD B. WIGGLESWORTH, Massachusetts; H. CARL ANDERSEN, Minnesota; IVOR D. FENTON, Pennsylvania; NORRIS COTTON, New Hampshire; GLENN DAVIS, Wisconsin; GERALD R. FORD, Jr., Michigan; J. VAUGHAN GARY, Virginia; JOHN J. ROONEY, New York; OTTO E. PASSMAN, Louisiana; CLARENCE CANNON, Missouri.

The general provision included in the accompanying bill are applicable to all departments, agencies, and corporations of the Federal Government.

Section 1101 continues, at \$1,400 each, the amount that may be spent for purchase of passenger motor vehicles, and adds a new limitation of \$3,000 on any one passenger vehicle irrespective of any limitation carried in the 1955 appropriations acts.

Section 1102 continues language which has been carried for some years concerning the employment of aliens.

Section 1103 continues language previously carried relating to living quarters allowances.

Section 1104 continues language previously carried prohibiting the filling of positions by anyone whose nomination has been disapproved by the Senate.

Section 1105 continues language previously carried limiting the amount that may be paid for copies of the United States Code Annotated and the Lifetime Federal Digest.

Section 1106 continues language previously carried relating to the use of funds by Government corporations.

Section 1107 contains language similar to that previously carried prohibiting the use of funds of corporations for purchase or construction of office buildings.

Section 1108 continues language previously carried to authorize the transfer of personnel and appropriations to defense activities of various departments and agencies of the Government in pursuance to law.

Section 1109 continues language concerning rental of Government-owned living quarters.

Section 1110 contains language similar to that carried previously authorizing the use of appropriated funds to purchase foreign credits owed to or owned by the United States, as required by section 1415 of Public Law 547, 82d Congress.

Section 1111, definition of obligations: Over a period of years numerous loose practices in handling appropriated funds have grown up in various agencies of the Government. The most difficult problem in this area arises from the recording of various types of transactions as obligations of the Government when, in fact, no real obligation exists. This situation has become so acute as to make it next to impossible for the Committee on Appropriations to determine with any degree of accuracy the amount which has been obligated against outstanding appropriations as a basis for determining future requirements. It has become necessary to

set forth definitely in the law the types of transactions which will be recognized as true obligations and secure accurate reporting thereon in order that it may be possible for the Committee on Appropriations to have a sound basis for its operations. Section 1111 therefore has been included in the bill to accomplish this purpose. A clean-cut definition of the obligations will also greatly simplify the work of the General Accounting Office in auditing and settling the accounts of the various agencies. The Acting Comptroller General was consulted and has concurred in the proposal as a necessary step to clear up the existing chaotic situation. The proposal has also been discussed with the Director of the Bureau of the Budget and he agrees that legislation of this type is needed.

Section 1112 continues language previously carried commonly known as the antistrike provision.

Limitations and legislative provisions

The following limitations and legislative provisions not heretofore carried in connection with any appropriation bill are recommended:

On page 2, line 20, in connection with the appropriation for the Architect of the Capitol:

"The Architect of the Capitol, under the direction of the House Office Building Commission, is authorized hereafter to furnish steam from the Capitol Power Plant to the Folger Shakespeare Library: *Provided*, That the person or persons authorized to make contracts with respect to such building to which such steam is to be furnished agrees (a) to pay for such steam at rates not less than cost, determined by the Architect of the Capitol with the approval of the House Office Building Commission, and (b) to connect such building with the Capitol Power Plant steam lines without expense to the United States and in a manner satisfactory to the Architect of the Capitol and the House Office Building Commission: *Provided further*, That amounts received in payment for steam so furnished shall be covered into the Treasury of the United States as miscellaneous receipts."

On page 10, line 19, in connection with "Construction and rehabilitation, Bureau of Reclamation"; "*Provided*, That no part of this appropriation shall be used to initiate construction of the Helena Valley unit, Montana, until a repayment contract has been executed."

On page 13, line 7, in connection with "Expenses, General Supply Fund":

"Leased warehouse space temporarily in excess of operating requirements may be subleased to commercial organizations and the proceeds shall be covered into the Treasury as miscellaneous receipts."

On page 37, line 22, "General Provisions": "Sec. 1111. (a) After the date of enactment hereof no amount shall be recorded as an obligation of the Government of the United States unless it is supported by documentary evidence of—

"(1) a binding agreement in writing between the parties thereto, in a manner and form and for a purpose authorized by law, executed before the expiration of the period of availability for obligation of the appropriation or fund concerned for specific goods to be delivered, real property to be purchased or leased, or work or services to be performed; or

"(2) a valid loan agreement, showing the amount of the loan to be made and the terms of repayment thereof; or

"(3) an order required by law to be placed with a Government agency; or

"(4) an order issued pursuant to a law authorizing purchases without advertising when necessitated by public exigency or for perishable subsistence supplies or within specific monetary limitations; or

"(5) a grant or subsidy payable (i) from appropriations made for payment of or contributions toward, sums required to be paid in specific amounts fixed by law or in accord with formulae prescribed in law, or (ii) pursuant to agreement authorized by, or plans approved in accord with and authorized by, law; or

"(6) a liability which may result from pending litigation brought under authority of law; or

"(7) employment or services of persons or expenses of travel in accord with law, and services performed by public utilities; or

"(8) any other legal liability of the United States against an appropriation or fund legally available therefor.

"(b) Not later than September 30 of each year, the head of each Federal agency shall certify, as to each appropriation or fund under the control of such agency, the amount thereof remaining obligated by unexpended and the amount thereof remaining unobligated on June 30 of such year and copies of such certification shall be forwarded by him to the chairmen of the Committees on Appropriations of the Senate and the House of Representatives, to the Comptroller General of the United States, and to the Director of the Bureau of the Budget. Notwithstanding any other provision of law, the duty of making certifications as required by this subsection shall not be delegated: *Provided*, That such certification for the fiscal year ending June 30, 1954, shall be made not later than October 31, 1954, and shall include only such obligations as could have been recorded under the provisions of subsection (a) hereof.

"(c) Each certification made pursuant to subsection (b) shall be supported by records evidencing the amounts which are certified therein as having been obligated and such records shall be retained in the agency in such form as to facilitate audit and reconciliation for such period as may be necessary for such purposes.

"(d) No appropriation or fund which is limited for obligation purposes to a definite period of time shall be available for expenditure after the expiration of such period except for liquidation of amounts obligated in accord with subsection (a) hereof; but no such appropriation or fund shall remain available for expenditure for any period beyond that otherwise authorized by law."

Mr. TABER. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read the bill down to and including line 16, page 5.

Mr. TABER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ALLEN of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, had come to no resolution thereon.

CHARTER OF TANKERS BY THE SECRETARY OF THE NAVY

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 3458) to authorize the long-term time charter of tankers by the Secretary of the Navy, and for other purposes, with a House

amendment thereto, insist on the House amendment, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none, and appoints the following conferees: MESSRS. ARENDS; COLE, SHAFER, CUNNINGHAM, VINSON, KILDAY, and RIVERS.

SPECIAL ORDERS GRANTED

Mr. HOLIFIELD asked and was given permission to address the House for 1 hour today and 1 hour on Wednesday next, following the legislative program and any special orders heretofore entered.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Carrell, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6788) entitled "An act to authorize the Secretary of Agriculture to cooperate with States and local agencies in the planning and carrying out of works of improvement for soil conservation, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2759) entitled "An act to amend the Vocational Rehabilitation Act so as to promote and assist in the extension and improvement of vocational rehabilitation services, provide for a more effective use of available Federal funds, and otherwise improve the provisions of that act, and for other purposes."

PROVIDING MULTIPLE MINERAL DEVELOPMENT OF PUBLIC LANDS

Mr. ALLEN of Illinois. Mr. Speaker, I call up the resolution (H. Res. 639) providing for the consideration of H. R. 8896, a bill to amend the mineral-leasing laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8896) to amend the mineral-leasing laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill, and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the 5-minute rule. It shall be in order to consider without the intervention of any point of order the substitute amendment recommended by the Committee on Interior

and Insular Affairs now in the bill, and such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or committee substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. ALLEN of Illinois. Mr. Speaker, I yield such time as he may require to the gentleman from Montana [Mr. D'EWART].

Mr. D'EWART. Mr. Speaker, this bill has to do with the mineral leasing and mining laws. These laws provide only for the exclusive development of minerals, under the mining laws and the exclusive search and development of oil and certain other minerals under the leasing laws. This bill is necessary because of the discovery of fissionable materials on these claims and leases thereby making multiple use necessary. This bill proposes to permit multiple use of those areas. The committee held extended hearings on the matter. We went into it a year ago. The Congress passed a law permitting development for 1 year on existing uranium claims. However, that bill was only for 1 year and this new bill provides for future development of fissionable materials. The bill is necessary if we are to have this multiple use of these oil lease lands and mining lands. Therefore, I hope the rule is adopted.

Mr. ALLEN of Illinois. Mr. Speaker, I yield 30 minutes to the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado [Mr. ASPINALL] to explain this bill. I think it would be well for the House to know something about the bill, and the gentleman from Colorado is very well informed on it.

Mr. ASPINALL. Mr. Speaker, while it is unfortunate, it sometimes appears that if we wish to achieve some simple end by legislation, we must use language so complicated that the simple purpose is obscured. This is particularly true if the situation which is to be handled has developed over a long term of years.

The consideration of H. R. 8896, which has for its purpose the multiple use of our mineral resources present in our public lands, falls into this category. Yet, I believe that a careful explanation will show the close relationship between the simple end to be achieved and the method of achievement.

The basic problem is that we have two general statutory procedures and two general systems for the development and production of the mineral resources of this Nation. The first of these grew out of the necessities of the early mining operations of the West and centered around the rights to follow the initial discovery of a valuable mineral or metal. The locator was given exclusive possession to otherwise unclaimed public land upon which he had discovered a lode or vein or placer deposit. It follows that

certain specifications and procedures must be followed and adhered to but the important point is that the locator is entitled to prosecute his claim to full title by patent to a limited area of ground directly related to his discovery. This system received statutory approval by the passage of the mining law of 1872.

A second type of development came into play in 1920 with the passage of the Minerals Leasing Act which reserved to the Government such minerals as coal, phosphate, oil shale, gas and oil, sodium and later sulfur. Under the provisions of this act, development was on a limited basis by permit or lease with title to the land and also to the mineral involved, until it was actually in the physical possession of the lessee or permittee, remaining in the Government. The developer was thus a permittee or lessee and not a fee owner as in the case of a general mining operator.

Beyond this, these two mining acts provide for systems which are mutually exclusive. Public land withdrawn or valuable or potentially valuable for Leasing Act minerals, or land actually covered by a permit or lease for one of these listed minerals is closed to location and development under the mining laws. Likewise, public land under location for mining claims makes impossible development of leasing mineral potentials unless carried on by the locator himself.

For a long period of time—in fact from 1920 until the late 1940's—this mutually exclusive pattern, while undesirable, did not cause any major hardship or controversy. Then came the demand for uranium in this country and a special and dramatic emphasis was placed upon this general subject. This came about because it was found that the major area where most of the early uranium deposits were located and opened was largely blanketed by prior oil and gas leases or on lands likely to be valuable for oil and gas.

Mr. DURHAM. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield.

Mr. DURHAM. I think legislation probably should have been adopted earlier in the development of these uranium mines in the western part of the United States, but since this does put them under the mining law, it would also give each individual, it does not make any difference how small he is, if he is just a one-shovel prospector, it will put him in the same position as the man with any other amount of money?

Mr. ASPINALL. That has been the history of the mining law development in this country.

Mr. DURHAM. What effect will this have on the sale of securities since under the mining and leasing law they will be able to sell stock; is that correct?

Mr. ASPINALL. That is right.

Mr. DURHAM. Will these leases and the regulations governing the sale of securities be under the State law or under the general Federal law?

Mr. ASPINALL. They will be under both; they will be under Federal law with reference to the sale of securities,

and also they will certainly come under the various State laws.

Mr. DURHAM. Since there is a great deal of confusion at the present time as to this whole field of operation, does the gentleman feel that this bill will protect the Federal Government in respect to the sale of securities?

Mr. ASPINALL. I feel that it will protect the Federal Government and the people working with the Federal Government and the State commissions; and the Atomic Energy Commission, as the gentleman from North Carolina knows, has been asked for its approval of this proposed legislation.

Mr. DURHAM. And does the gentleman feel that the individual investor will be fully protected? I mean by that, he will know whether or not his stock is worth anything, or whether it is the kind of stock that is given away with each \$5 purchase of groceries. The gentleman knows what I mean.

Mr. ASPINALL. I know exactly; and I feel that the protection afforded will be as great as it is possible to give. In my opinion, it will be just as substantial as any protection in such procedures, or for that matter, when any securities are legally issued and offered for sale. The gentleman asks if it will be possible to sell stock. As long as we have people who want to buy such stocks—and we always have them—I suppose they will be able to buy them. I do not see any difficulty because of this bill.

Mr. DURHAM. The stocks are usually regulated by State agencies.

Mr. ASPINALL. And this stock will be regulated as well.

Mr. SHEPPARD. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield.

Mr. SHEPPARD. I would like to ask this question out of precaution and more or less as a matter of formula: Does this have anything to do with water rights?

Mr. ASPINALL. It has nothing whatsoever to do with water rights. It deals simply with multiple rights to the use of minerals in our public lands.

Mr. SHEPPARD. I thank the gentleman.

Mr. ASPINALL. Mr. Speaker, when this conflict became known, some solution was made mandatory and there began a great effort on the part of the affected parties, mining interests, leasing interests, the Atomic Energy Commission, and the Department of Interior to find some means to sustain the worthy principles of both the mining and the leasing laws and still provide for the rapid development of vitally needed uranium. This is not to indicate that uranium is the only value involved for there are other mineral values which can be more readily developed if some multiple-use legislation can be passed. Uranium just dramatized this need.

This need for solution and the effort given to it resulted in measures to meet the most pressing immediate needs and also to demonstrate the process by which a permanent solution could be had. First, something had to be done about the mining claims filed in unknowing trespass on oil and gas lands during the

period between August 1, 1939 and December 31, 1952, the date when the technical trespass was recognized as a known factor. These claims, filed in good faith, were in production but the cloud on the location or right forced the Atomic Energy Commission to withhold certain payments to the producers. This uncertainty with regard to going mines put a damper on any new operations and many feared that they would lose what investment they had put into their claim or mine.

This pressing need was met by special legislation in August of 1953. Public Law 250, passed during the first session of the 83d Congress, validated the claims filed in unknowing trespass between August 1, 1939, and the end of December 1952, most of which were located on the Colorado Plateau. Beyond that, this temporary legislation laid the foundation upon which a permanent solution could be built.

The cutoff date of December 31, 1952, still left a great many claims and a great many potential claims in doubt as to validity. The Atomic Energy Commission, in order to sustain the impetus of uranium development while some solution was being worked out, finally came out with certain lease procedures under its Circular No. 7, which it issued late in January of 1954. This again was only a stopgap proposition. Something permanent was required because of confusion stemming from the reservation to the Government and its agent, the Atomic Energy Commission, of all fissionable source materials as specified in the Atomic Energy Act of 1946.

We have now come to the time when permanence must be given to past procedures and where some lasting procedures can be established to carry through the years.

It became apparent during the involved discussions on this general subject that the reservation to the Government of all fissionable source materials has, in effect, put their development under procedures similar to those provided in the Mineral Leasing Act rather than the general mining laws, while it had been understood from official releases that prospecting and developing procedures under the general mining law would be respected. The general mining law did not apply for even though a discovery was made by a mining locator, he could not acquire title or right to a material reserved to the Government and his location could be as easily filed upon by another. If this had been seriously pursued, the confusion would have passed all bounds.

Any claim located under the mining laws and filed prior to an oil and gas lease or permit or an application for such and/or prior to the Atomic Energy Act is quite valid, only no one was filing any claims for uranium any earlier for there was no market. However, on that same Colorado plateau where the oil and gas lease overlap was so important, there were many old claims containing uranium which had been initially located for either radium or vanadium. There was no way the Government could abrogate these old valid claims, yet no apparent

way by which new ones could be located.

The actual demonstrated results of the operation of the program under the mining system, before it developed that it might be clouded by the Mineral Leasing Act, made it clear beyond doubt that the wisest and most efficient method of finding and developing uranium deposits was under the mining laws. This allowed, and indeed inspired, a vast number of individuals to go out into the hills and run down workable deposits of uranium. The only apparent alternative would have been a lease system under which the small operator is at a material disadvantage, and under which the possibility of monopoly is much greater. Under the prospecting system the individual enterpriser can do, and in fact always has done, about as well as anyone else. The enterprise system has been proved a wise system many times in the prospecting and developing of mineral resources throughout the history of our Nation.

So it was then that the interested parties came to a preliminary agreement in 1953 which resulted in the passage of Public Law 250. This act validated the claims made which would have been abrogated under the Mineral Leasing Act if any suit had been pursued. In the full realization that the effort for a permanent solution was going forward, the method of operation was not materially altered. That is to say that enterprising people still went out into the hills with their jeep—and that little machine has displaced the burro in this field—and found and staked out claims for uranium even though many of them were on lands where the Leasing Act prohibition still might cut them off. In that this effort was allowed by mutual, if unwritten, agreement, we should not now abrogate the well-established pattern for it is based upon our traditional method of locating new ore bodies. It has been partially validated by the limited effect of Public Law 250 and the operations under the regulations of the Atomic Energy Commission—Circular No. 7—and by the general assumption that the interested groups would come to some common agreement on a permanent solution.

This desirable end has been achieved and has been reduced to legal language. The bill containing this language has been unanimously approved by the Senate and is now before the House for final consideration.

It is not my purpose to go into a section-by-section analysis of this bill at this time while considering the resolution for a rule. However, I do wish to point up the fact that the bill to be considered has four distinct purposes, all of which are closely connected. The first of these is to validate claims made in good faith under the mining laws on lands where they would otherwise be blocked by the leasing law. This requires certain stipulations on priority of past claims which, even though presently without validity, do represent at least a prior equitable right.

The second purpose is to make possible the development of other than the leasable minerals—coal, phosphate, oil and gas, oil shale, sodium, and sulfur—on

public lands covered by mineral leases or permits or applications for such leases or permits. And, at the same time providing that from the effective date of said act that claims filed and patents issued hereafter shall in most cases carry a reservation to the Federal Government of the leasable minerals present in lands described in such claims or patents. This part of the legislation makes possible the multiple mineral-use of the public lands. The third purpose of the bill is to provide a procedure whereby an applicant for or holder of a permit or lease under the Mineral Leasing Act may request the Department of the Interior to publish a notice requiring any claimant under an unpatented mining claim to come forward and make his claim known where the claim extends to Leasing Act minerals. This part of the bill is largely for the protection of the dormant claim owner and at the same time provides for the multiple mineral-use of such lands. This has been the most difficult part of the legislation. The members of the committee considering the bill feel that the best possible protection for all concerned has been provided. Time alone will tell just how well we have done. The fourth objective in H. R. 8896 is the amending of the Atomic Energy Act in accordance with the expressed approval of the Commission itself and providing for the deletion from said act of the reservation of all fissionable-source materials. This provision does not disturb the exclusive right of the Government to the purchase and control of the use of all fissionable-material ore. On the other hand, it does clarify the statutory procedure by which the prospecting for and the taking from the earth of such ore shall be accomplished.

The legislation has been considered most extensively by the Committee on Interior and Insular Affairs. The bill was reported to the House with but minor objection. Since the committee action on amendment has been agreed upon by its sponsors and our colleague, Congressman ENGLE, of California, which agreement has removed his objection. This amendment will be offered under the 5-minute rule.

The legislation is badly needed and I sincerely hope that the rule and the bill will each have the support of the members.

I should like to close with a commendation of those interested individuals and groups who have worked so diligently for a solution acceptable to all. I can recall no other time when I have seen such determination to work in harmony to find an agreement on the principles without weakening compromises. We have had here, in my opinion, a demonstration of the best process of democracy—the working together of freemen to find a common solution to an existing problem. Lastly, may I say that if this bill becomes law, it will be another effective link in our economic system which has been so well built on private initiative and free enterprise.

(Mr. ASPINALL asked and was given permission to revise and extend his remarks.)

Mr. ALLEN of Illinois. Mr. Speaker, I rise to urge the adoption of House Resolution 639 which will make in order the consideration of the bill (H. R. 8896) to amend the mineral leasing laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes.

House Resolution 639 provides for an open rule, waiving points of order with 1 hour of general debate on the bill. The rule would also allow for the consideration of the committee substitute amendment as an original bill for the purposes of amendment.

H. R. 8896 proposes to solve the difficult problem arising out of the conflict and coexistence of two distinct systems under which a person may acquire rights to develop and exploit the mineral resources of the Federal domain.

The first method by which these rights may be acquired dates back to 1872 when it was decided that the person who located and patented a mining claim received full title to this location.

In 1920, however, the leasing system was inaugurated under the Mining Leasing Act, which provided for the licensing or leasing system of lands on which oil and gas, oil shale, coal, phosphate, sodium and potash have been discovered.

The conflict arises from the fact that under the laws of the United States, lands on which mineral locations have been made under the mining laws have not been open to leasing under the Mineral Leasing Act. On the other hand, lands which have been leased or licensed to individuals under an oil or gas lease provided for in the Mineral Leasing Act, or if they are known to be valuable for leasing act minerals, have not been open to mineral entry under the mining laws.

The report on this bill brought out the fact that the need for the discovery and exploitation of uranium in the United States has brought this situation to a head. The uranium deposits thus far have been discovered in the area around the Colorado Plateau. However, this particular section has a great many oil and gas filings on it, and consequently precludes to a large extent the possibilities of development for uranium and other hard minerals.

It works the other way too, Mr. Speaker, for in sections where oil and gas applications have not yet been made, and where there are mining locations and claims, the oil and gas prospectors are reluctant to lease and drill in view of the already existing mining claims.

It is obvious that a way has to be found to permit both interests to work in harmony together for the better development of all our resources.

H. R. 8896 would provide for legal compatibility for the coexistence of a mining claim and of a permit or lease under the Leasing Act on the same land. The bill also seeks to resolve the uncertainty which now exists because of the scope of the Atomic Energy Act, as to the validity of any mining claim located after August 1, 1946, the date of enactment of the Atomic Energy Commission Act, for fissionable source materials. This bill would eliminate that uncertainty.

The final change which this bill seeks to make would be to provide a procedure under which claimants of unpatented mining claims, which may conflict with Leasing Act filings, may be required to make known and establish the basis of their assertions if these assertions extend to Leasing Act minerals.

H. R. 8896 would also clarify the legal situation caused by the limited scope of Public Law 250 and complications introduced by the Atomic Energy Commission's domestic uranium program circular 7 which had been issued by the Atomic Energy Commission to permit development of fissionable source material on lands closed to mining location because of Mineral Leasing Act filings.

Mr. Speaker, I think that we will all agree that it is very important to our national security that the mineral and mining laws be so drawn as to provide for the maximum harmonious development of these important national assets. It seems to me that this bill is comprehensive enough to protect the rights of both groups involved and still allows for the full development of our resources. I hope that the rule will be adopted and that the House will pass the bill.

Mr. SMITH of Virginia. Mr. Speaker, I have no further requests for time.

Mr. ALLEN of Illinois. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered. The resolution was agreed to.

Mr. D'EWART. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 8896) to amend the mineral-leasing laws to provide for multiple-mineral development of the same tracts of the public lands, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 8896, with Mr. KEATING in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule the gentleman from Montana [Mr. D'EWART] will be recognized for 30 minutes, and the gentleman from California [Mr. ENGLE] for 30 minutes.

The gentleman from Montana is recognized.

Mr. D'EWART. Mr. Chairman, I yield 10 minutes to the gentleman from Utah [Mr. DAWSON], author of the pending bill.

(Mr. DAWSON of Utah asked and was given permission to revise and extend his remarks.)

Mr. DAWSON of Utah. Mr. Chairman, this is a rather complicated measure but I trust that in a few words I may be able to give you a better picture of what we are attempting to achieve. This measure applies principally to the Colorado plateau area, which is now producing the bulk of the uranium in this country.

Under existing laws we have a conflict between what is known as the general

mining law, which was adopted back in 1872, and the Mineral Leasing Act, which was adopted in 1920.

Under the mining law a prospector can go on the public domain and search for hard minerals and if he makes a discovery he can perfect his claim and eventually pursue that to patent and acquire patent to a small tract on which the minerals are located. Under the General Leasing Act, which was passed in 1920, the Government leases to operators who are prospecting for what is known as leasable minerals, such as oil, gas, and potassium, et cetera, acreage for the purpose of removing these minerals under lease, but they can never acquire title.

The difficulty we have had is that if an oil and gas lease operator wants to go ahead and explore for oil and gas, and there is a mining claim located on this land, he is subject to the mining claim. We find thousands of old dormant mining claims located on these oil and gas lease lands and in the event that the oil operator locates oil or gas on his lease, then these old mining claimants might come forward and in effect blackmail him for a certain payment to buy him out in order to acquire the right to the area that he covers. That has been blocking the oil and gas lease operators.

On the other hand, if there is an oil and gas lease existing on the public domain, a mining claimant could not go on and explore for the so-called hard minerals, which has meant that today in the State of Utah where 72 percent of the land is now owned by the Federal Government a big portion of these lands are now under oil and gas leases which means that these people who want to go out and explore for uranium have in effect been thwarted by the fact that these leases are outstanding.

The purpose of this measure is to make these two mineral laws compatible so as to permit the oil and gas lease operator to go on and search for oil and gas without interfering with the mining claimant, and, by the same token, the mining claimant can go on and search for uranium without interfering with the oil and gas claimant, which results in the so-called multiple use and help everyone concerned.

The Nation as a whole is vitally concerned with this measure because under conditions as they now exist we have this conflict. Those who are searching for uranium are finding they do not have a valid claim when they go on oil and gas leased lands. As a result, the Atomic Energy Commission has urgently requested that this legislation be passed to assist them to bring forth these fissionable materials.

There are a great many features to the bill that are rather technical in nature, but the committee has spent a considerable length of time hearing testimony on the bill. The oil and gas people and the mining people have worked for months on it and have come up in pretty much of a general agreement on these proposals. We feel that for the good of the Nation and also for the good of those who are out there

seeking to remove these fissionable materials this bill should be passed.

Mr. D'EWART. Mr. Chairman, will the gentleman yield?

Mr. DAWSON of Utah. I yield to the gentleman from Montana.

Mr. D'EWART. As a matter of fact, this legislation is the result of years of work on the part of representatives of the mining industry, the representatives of the oil and gas industry and the Atomic Energy Commission in trying to resolve differences so that the development of these fissionable materials may be speeded up.

Mr. DAWSON of Utah. That is perfectly true. Furthermore, you must understand that under existing law the Atomic Energy Commission is required to go out and give leases on these acreages for the reason that under the Atomic Energy Commission Act all of the uranium must be sold to the Government and it is all under their jurisdiction. So, they are vitally concerned with this measure.

Mr. SAYLOR. Mr. Chairman, will the gentleman yield?

Mr. DAWSON of Utah. I yield to the gentleman from Pennsylvania.

Mr. SAYLOR. I would like to congratulate the author of this bill for taking some steps which I think have been long needed in correcting many of the evils which have existed in the mining industry. I think the aims which he has directed in a portion of this bill to allow multiple use of public lands is highly commendable and highly desirable. The only question I would like to ask him is in regard to the first section of the bill which attempts to validate leases or claims which have already been made. Would the gentleman explain those provisions? That is the only part of the bill which I have any objection to, and I would like the record to show why the gentleman proposes to validate leases made subsequent to July 31, 1939, and prior to February 10, 1954.

Mr. DAWSON of Utah. I will be happy to explain. As the gentleman from Colorado told us a few moments ago, we passed a bill last year known as Public Law 250, which validated these uranium claims from 1939 up until January 1, 1953, based upon the very same reasons that I have presented to you here today.

Now, the first section of the bill to which the gentleman refers would also validate claims from January 1, 1953, up until the effective date of this act. The reason for that is this: The Atomic Energy Commission has, by reason of Circular 7, granted leases on much of this land and the people have gone on there in good faith and located claims. The first section of the bill attempts to set up a series of priorities for claimants, and the reason for giving priority to those claims which were filed subsequent to January 1, 1953, and the date this act becomes effective would be to give those claimants who went in there in good faith the results of their endeavors. Now, of course, there have been other claimants who have come in and filed on top of these claims, and there has been some dispute out there where the priority shall lie. But the

industry, the mining people, and the oil and gas people have pretty well agreed on the system of priorities set up in this measure. Of course, there is something to what the gentleman says, that it does attempt to legalize so-called technical trespassers. We admit that these people are in technical trespass because of this overlapping of interest, but the purpose of the bill is to try to iron out these differences, and until these differences are ironed out, we are going to have some serious trouble out there. Out in our State we had a shooting take place; a man was shot because of so-called claim jumping, and if something is not done to straighten out these claims, we will have a lot more of it.

Mr. SAYLOR. I have opposed up until this time this provision, but if the gentleman will offer an amendment which will make the effective date for these leases not February 10, 1954, the date when Circular 7 was first published, but the effective date of this act, so that next year we will not be faced with coming back here and asking to validate claims between February 10, 1954, and the effective date of the act, I think the bill will accomplish a much broader purpose.

Mr. DAWSON of Utah. I wish I could offer such an amendment as the gentleman proposes, and I think you are probably right that it is the effective date of Circular 7 we were referring to rather than the effective date of the act. But in my opinion, that would be a mistake, because we would simply be stirring up a lot more controversy out there than exists at the present time, and as far as I know, there have been very few who would proposed to change the date as the gentleman suggests. We have to draw the line somewhere, and the people who have been spending so much time trying to work out these differences have agreed on these times. Inasmuch as it does involve such technical phases of the mining law I think it would be a mistake for us to attempt to change it at this date.

Mr. ENGLE. Mr. Chairman, I have no requests for time on this side.

Mr. D'EWART. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will now read the substitute committee amendment printed in the bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted, etc., That, (a) subject to the conditions and provisions of this act and to any valid intervening rights acquired under the laws of the United States, any mining claim located under the mining laws of the United States subsequent to July 31, 1939, and prior to February 10, 1954, on lands of the United States, which at the time of location were—

(1) included in a permit or lease issued under the mineral leasing laws; or

(2) covered by an application or offer for a permit or lease which had been filed under the mineral leasing laws; or

(3) known to be valuable for minerals subject to disposition under the mineral leasing laws;

shall be effective to the same extent in all respects as if such lands at the time of location, and at all times thereafter, had not been so included or covered or known: *Pro-*

vided, however, That, in order to be entitled to the benefits of this act, the owner of any such mining claim located prior to January 1, 1953, must have posted and filed for record, within the time allowed by the provisions of the act of August 12, 1953 (67 Stat. 539), an amended notice of location as to such mining claim, stating that such notice was filed pursuant to the provisions of said act of August 12, 1953, and for the purpose of obtaining the benefits thereof: And provided further, That in order to obtain the benefits of this act, the owner of any such mining claim located subsequent to December 31, 1952, and prior to February 10, 1954, not later than 120 days after the enactment of this act, must post on such claim in the manner required for posting notice of location of mining claims and file for record in the office where the notice or certificate of location of such claim is of record an amended notice of location for such claim, stating that such notice is filed pursuant to the provisions of this act and for the purpose of obtaining the benefits thereof and, within said 120 days period, if such owner shall have filed a uranium lease application as to the tract covered by such mining claim, must file with the Atomic Energy Commission a withdrawal of such uranium lease application or, if a uranium lease shall have issued pursuant thereto, a release of such lease, and must record a notice of the filing of such withdrawal or release in the county office wherein such notice or certificate of location shall have been filed for record.

(b) Labor performed or improvements made after the original location of and upon or for the benefit of any mining claim which shall be entitled to the benefits of this act under the provisions of subsection (a) of this section 1, shall be recognized as applicable to such mining claim for all purposes to the same extent as if the validity of such mining claim were in no respect dependent upon the provisions of this act.

(c) As to any land covered by any mining claim which is entitled to the benefits of this act under the provisions of subsection (a) of this section 1, any withdrawal or reservation of lands made after the original location of such mining claim is hereby modified and amended so that the effect thereof upon such mining claim shall be the same as if such mining claim had been located upon lands of the United States which, subsequent to July 31, 1939, and prior to the date of such withdrawal or reservation, were subject to location under the mining laws of the United States.

SEC. 2. (a) If any mining claim which shall have been located subsequent to December 31, 1952, and prior to December 11, 1953, and which shall be entitled to the benefits of this act, shall cover any lands embraced within any mining claim which shall have been located prior to January 1, 1953, and which shall be entitled to the benefits of this act, then as to such area of conflict said mining claim so located subsequent to December 31, 1952, shall be deemed to have been located December 11, 1953.

(b) If any mining claim hereafter located shall cover any lands embraced within any mining claim which shall have been located prior to February 10, 1954, and which shall be entitled to the benefits of this act, then as to such area of conflict said mining claim hereafter located shall be deemed to have been located 121 days after the date of the enactment of this act.

SEC. 3. (a) Subject to the conditions and provisions of this act and to any valid prior rights acquired under the laws of the United States, the owner of any pending uranium lease application or of any uranium lease shall have, for a period of 120 days after the date of enactment of this act, as limited in subsection (b) of this section 3, the right to

locate mining claims upon the lands covered by said application or lease.

(b) Any rights under any such mining claim so hereafter located pursuant to the provisions of subsection (a) of this section 3 shall be subject to any rights of the owner of any mining claim which was located prior to February 10, 1954, and which was valid at the date of the enactment of this act or which may acquire validity under the provisions of this act. As to any lands covered by a uranium lease and also by a pending uranium lease application, the right of mining location under this section 3, as between the owner of said lease and the owner of said application, shall be deemed as to such conflict area to be vested in the owner of said lease. As to any lands embraced in more than one such pending uranium lease application, such right of mining location, as between the owners of such conflicting applications, shall be deemed to be vested in the owner of the prior application. Priority of such an application shall be determined by the time of posting on a tract then available for such leasing of a notice of lease application in accordance with paragraph (c) of the Atomic Energy Commission's Domestic Uranium Program Circular 7 (10 C. F. R. 60.7 (c)), provided there shall have been timely compliance with the other provisions of said paragraph (c), or, if there shall not have been such timely compliance, then by the time of the filing of the uranium lease application with the Atomic Energy Commission. Any rights under any mining claim located under the provisions of this section 3 shall terminate at the expiration of 30 days after the filing for record of the notice or certificate of location of such mining claim unless, within said 30-day period, the owner of the uranium lease application or uranium lease upon which the location of such mining claim was predicated shall have filed with the Atomic Energy Commission a withdrawal of said application or a release of said lease and shall have recorded a notice of the filing of such withdrawal or release in the county office wherein such notice or certificate of location shall be of record.

(c) Except as otherwise provided in subsections (a) and (b) of this section 3, no mining claim hereafter located shall be valid as to any lands which at the time of such location were covered by a uranium lease application or a uranium lease. Any tract upon which a notice of lease application has been posted in accordance with said paragraph (c) of said Circular 7 shall be deemed to have been included in a uranium lease application from and after the time of the posting of such notice of lease application: *Provided*, That there shall have been timely compliance with the other provisions of said paragraph (c) or, if there shall not have been such timely compliance, then from and after the time of the filing of a uranium lease application with the Atomic Energy Commission.

SEC. 4. Every mining claim or millsite hereafter located under the mining laws of the United States and every mining claim or millsite heretofore so located which shall be entitled to benefits under the first three sections of this act shall be subject to a reservation to the United States of all Leasing Act minerals and of the right (as limited in section 6 hereof) of the United States, its lessees, permittees, and licensees to enter upon the land covered by such mining claim or millsite and to prospect for, drill for, mine, treat, store, transport, and remove Leasing Act minerals and to use so much of the surface and subsurface of such mining claim or millsite as may be necessary for such purposes, and whenever reasonably necessary, for the purpose of prospecting for, drilling for, mining, treating, storing, transporting, and removing Leasing Act minerals on and from other lands; and any patent issued for any such mining claim or millsite and contain such reservation.

SEC. 5. Subject to the conditions and provisions of this act, mining claims and millsites may hereafter be located under the mining laws of the United States on lands of the United States which at the time of location are—

(a) included in a permit or lease issued under the mineral leasing laws; or

(b) covered by an application or offer for a permit or lease filed under the mineral leasing laws; or

(c) known to be valuable for minerals subject to disposition under the mineral leasing laws;

to the same extent in all respects as if such lands were not so included or covered or known.

SEC. 6. (a) Where the same lands are being utilized for mining operations and Leasing Act operations, each of such operations shall be conducted, so far as reasonably practicable, in a manner compatible with such multiple use.

(b) Any mining operations pursuant to rights under any unpatented or patented mining claim or millsite which shall be subject to a reservation to the United States of Leasing Act minerals as provided in this act shall be conducted, so far as reasonably practicable, in a manner which will avoid damage to any known deposit of any Leasing Act mineral. Subject to the provisions of subsection (d) of this section 6, mining operations shall be so conducted as not to endanger or materially interfere with any existing surface or underground improvements, workings, or facilities which may have been made for the purpose of Leasing Act operations, or with the utilization of such improvements, workings, or facilities.

(c) Any Leasing Act operations on lands covered by an unpatented or patented mining claim or millsite which shall be subject to a reservation to the United States of Leasing Act minerals as provided in this act shall be conducted, so far as reasonably practicable, in a manner which will avoid damage to any known deposit of any mineral not so reserved from such mining claim or millsite. Subject to the provisions of subsection (d) of this section 6, Leasing Act operations shall be so conducted as not to endanger or materially interfere with any existing surface or underground improvements, workings, or facilities which may have been made for the purpose of mining operations, or with the utilization of such improvements, workings, or facilities.

(d) If, upon petition of either the mining operator or the Leasing Act operator, any court of competent jurisdiction shall find that a particular use in connection with one of such operations cannot be reasonably and properly conducted without endangering or materially interfering with the then existing improvements, workings, or facilities of the other of such operations or with the utilization thereof, and shall find that under the conditions and circumstances, as they then appear, the injury or damage which would result from denial of such particular use would outweigh the injury or damage which would result to such then existing improvements, workings, or facilities or from interference with the utilization thereof if that particular use were allowed, then in such event such court may permit such use upon payment (or upon furnishing of security determined by the court to be adequate to secure payment) to the party or parties who would be thus injured or damaged, of an amount to be fixed by the court as constituting fair compensation for the then reasonably contemplated injury or damage which would result to such then existing improvements, workings, or facilities or from interference with the utilization thereof by reason of the allowance of such particular use.

(e) Where the same lands are being utilized for mining operations and Leasing Act operations, then upon request of the party

conducting either of said operations, the party conducting the other of said operations shall furnish to and at the expense of such requesting party copies of any information which said other party may have, as to the situs of any improvements, workings, or facilities theretofore made upon such lands, and upon like request, shall permit such requesting party, at the risk of such requesting party, to have access at reasonable times to any such improvements, workings, or facilities for the purpose of surveying and checking or determining the situs thereof. If damage to or material interference with a party's improvements, workings, facilities, or with the utilization thereof shall result from such party's failure, after request, to so furnish to the requesting party such information or from denial of such access, such failure or denial shall relieve the requesting party of any liability for the damage or interference resulting by reason of such failure or denial. Failure of a party to furnish requested information or access shall not impose upon such party any liability to the requesting party other than for such costs of court and attorney's fees as may be allowed to the requesting party in enforcing by court action the obligations of this section as to the furnishing of information and access. The obligation hereunder of any party to furnish requested information shall be limited to map and survey information then available to such party with respect to the situs of improvements, workings, and facilities and the furnishing thereof shall not be deemed to constitute any representation as to the accuracy of such information.

SEC. 7. (a) Any applicant, offeror, permittee, or lessee under the mineral-leasing laws may file in the office of the Secretary of the Interior, or in such office as the Secretary may designate, a request for publication of notice of such application, offer, permit, or lease, provided, expressly, that not less than 90 days prior to the filing of such request for publication there shall have been filed for record in the county office of record for the county in which the lands covered thereby are situate a notice of the filing of such application or offer or of the issuance of such permit or lease which notice shall set forth the date of such filing or issuance, the name and address of the applicant, offeror, permittee or lessee and the description of the lands covered by such application, offer, permit or lease, showing section or sections of land surveyed, or, if such lands are unsurveyed, the section or sections of land which would probably be involved when the public lands surveyed are extended to such lands, or a tie by courses and distances to an approved United States Mineral Monument. The filing of such request for publication shall be accompanied by a certified copy of such recorded notice and an affidavit or affidavits of a person or persons over 21 years of age setting forth that the affiant or affiants have examined the lands involved in a reasonable effort to ascertain whether any person or persons were in possession of or engaged in the working of such lands or any part thereof, and, if no person or persons were found to be in possession of or engaged in the working of said lands or any part thereof on the date of such examination, setting forth such fact, or, if any person or persons were so found to be in possession or engaged in such working on the date of such examination, setting forth the name and address of each such person, unless affiant shall have been unable through reasonable inquiry to obtain information as to the name and address of any such person, in which event the affidavit shall set forth fully the nature and results of such inquiry.

Thereupon the Secretary of the Interior, or his designated representative, at the expense of the requesting person (who, prior to the commencement of publication, must

furnish the agreement of the publisher to hold such requesting person alone responsible for charges of publication), shall cause notice of such application, offer, permit, or lease to be published in a newspaper having general circulation in the county in which the lands involved are situate.

Such notice shall describe the lands covered by such application, offer, permit, or lease, as provided heretofore in the notice to be filed in the office of record of the county in which the lands covered are situate, and shall notify whomever it may concern that if any person claiming or asserting under, or by virtue of, any unpatented mining claim, any right or interest in Leasing Act minerals as to such lands or any part thereof, shall fail to file in the office where such request for publication was filed (which office shall be specified in such notice) and within 150 days from the date of the first publication of such notice (which date shall be specified in such notice), a verified statement which shall set forth, as to such unpatented mining claim:

- (1) The date of location;
- (2) The book and page of recordation of the notice or certificate of location;
- (3) The section or sections of the public land surveys which embrace such mining claim; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument;
- (4) Whether such claimant is a locator or purchaser under such location; and
- (5) The name and address of such claimant and names and addresses so far as known to the claimant of any other person or persons claiming any interest or interests in or under such unpatented mining claim; such failure shall be conclusively deemed (i) to constitute a waiver and relinquishment by such mining claimant of any and all right, title, and interest under such mining claim as to, but only as to, Leasing Act minerals, and (ii) to constitute a consent by such mining claimant that such mining claim and any patent issued therefor, shall be subject to the reservation specified in section 4 of this act, and (iii) to preclude thereafter any assertion by such mining claimant of any right or title to or interest in any Leasing Act mineral by reason of such mining claim.

If such notice is published in a daily paper, it shall be published in the Wednesday issue for 9 consecutive weeks, or, if in a weekly paper, in 9 consecutive issues, or, if in a semiweekly or triweekly paper, in the issue of the same day of each week for 9 consecutive weeks.

Within 15 days after the date of first publication of such notice, the person requesting such publication (1) shall cause a copy of such notice to be personally delivered to or to be sent by registered mail addressed to each person in possession or engaged in the working of the land whose name and address is shown by an affidavit filed as aforesaid, and to each person who may have filed, as to any lands described in said notice, a request for notices, as provided in subsection (d) of this section 7, and (2) shall file in the office where said request for publication was filed an affidavit showing that copies have been so delivered or mailed.

(b) If any claimant under any unpatented mining claim which embraces any of the lands described in any notice published in accordance with the provisions of subsection (a) of this section 7 shall fail to file a verified statement, as above provided, within 150 days from the date of the first publication of such notice, such failure shall be conclusively deemed, except as otherwise provided in subsection (e) of this section 7, (1) to constitute a waiver and relinquishment by such

mining claimant of any and all right, title, and interest under such mining claim as to, but only as to, Leasing Act minerals, and (ii) to constitute a consent by such mining claimant that such mining claim and any patent issued therefor, shall be subject to the reservation specified in section 4 of this act, and (iii) to preclude thereafter any assertion by such mining claimant of any right or title to or interest in any Leasing Act mineral by reason of such mining claim.

(c) If any verified statement shall be filed by a mining claimant as provided in subsection (a) of this section 7, then the Secretary of the Interior or his designated representative shall fix a time and place for a hearing to determine the validity and effectiveness of the mining claimant's asserted right or interest in Leasing Act minerals, which place of hearing shall be in the county where said interest or part of it is located, unless the mining claimant agrees otherwise. The procedures with respect to notice of such a hearing and the conduct thereof, and in respect to appeals shall follow the then established general procedures and rules of practice of the Department of the Interior in respect to contests or protests affecting public lands of the United States. If, pursuant to such a hearing the final decision rendered shall affirm the validity and effectiveness of any mining claim as to Leasing Act minerals then no subsequent proceeding under section 7 of this act shall have any force or effect upon any rights or interests under the said so affirmed mining claim. If at any time prior to a hearing the person requesting publication of notice and any person filing a verified statement pursuant to such notice shall so stipulate, then to the extent so stipulated, but only to such extent, no hearing shall be held with respect to rights asserted under that verified statement, and to the extent defined by the stipulation the rights asserted under that verified statement shall be deemed to be unaffected by that particular published notice.

(d) Any person claiming any right in Leasing Act minerals under or by virtue of any unpatented mining claim and desiring to receive a copy of any notice of any application, offer, permit, or lease which may be published as above provided in subsection (a) of this section 7 and which may affect lands embraced in such mining claim, may cause to be filed for record in the county office of record where the notice or certificate of location of such mining claim shall have been recorded, a duly acknowledged request for a copy of any such notice. Such request for copies shall set forth the name and address of the person requesting copies and shall also set forth, as to each mining claim under which such person asserts rights in Leasing Act minerals:

- (1) the date of location;
- (2) the book and page of the recordation of the notice or certificate of location; and
- (3) the section or sections of the public land surveys which embrace such mining claim; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument.

Other than in respect to the requirements of subsection (a) of this section 7 as to personal delivery or mailing of copies of notices and in respect to the provisions of subsection (e) of this section 7, no such request for copies of published notices and no statement or allegation in such request and no recordation thereof shall affect title to any mining claim or to any land, or be deemed to constitute constructive notice to any person, that the person requesting copies has, or claims, any right, title, or interest in or under any mining claim referred to in such request.

(e) If any applicant, offeror, permittee, or lessee shall fail to comply with the re-

quirements of subsection (a) of this section 7 as to the personal delivery or mailing of a copy of notice to any person, the publication of such notice shall be deemed wholly ineffectual as to that person or as to the rights asserted by that person and the failure of that person to file a verified statement, as provided in such notice, shall in no manner affect, diminish, prejudice or bar any rights of that person.

SEC. 8. The owner or owners of any mining claim heretofore located may, at any time prior to issuance of patent therefor, waive and relinquish all rights thereunder to Leasing Act minerals. The execution and acknowledgment of such a waiver and relinquishment by such owner or owners and the recordation thereof in the office where the notice or certificate of location of such mining claim is of record shall render such mining claim thereafter subject to the reservation referred to in section 4 of this act and any patent issued therefor shall contain such a reservation, but no such waiver or relinquishment shall be deemed in any manner to constitute any concession as to the date of priority of rights under said mining claim or as to the validity thereof.

SEC. 9. The Atomic Energy Act is hereby amended as follows:

(a) Section 5 (b) (5) is revised to read:

(5) Acquisition.—The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this act, to purchase, take, requisition, condemn, or otherwise acquire—

(A) supplies of source materials or any interest in real property containing deposits of source materials, and

(B) rights to enter upon any real property deemed by it to have possibilities of containing deposits of source materials and to conduct prospecting and exploratory operations for such deposits.

Any purchase made under this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and partial and advance payments may be made thereunder. The Commission may establish guaranteed prices for all source materials delivered to it within a specified time. Just compensation shall be made for any property or interest in property purchased, taken, requisitioned; condemned, or otherwise acquired under this paragraph.

(b) Section 5 (b) (6) is revised to read:

(6) Operations on lands belonging to the United States: The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this act, to issue leases or permits for prospecting for, exploration for, mining, or removal of deposits of source materials (or for any or all of these purposes) in lands belonging to the United States.

(c) Section 5 (b) (7) is revised to read:

“(7) Public lands: No individual, corporation, partnership, or association, which had any part, directly or indirectly, in the development of the atomic bomb project, may benefit by any location, entry, or settlement upon the public domain made after such individual corporation, partnership, or association took part in such project, if such individual, corporation, partnership, or association, by reason of having had such part in the development of the atomic bomb project, acquired confidential official information as to the existence of deposits of such uranium, thorium, or other materials in the specific lands upon which such location, entry, or settlement is made, and subsequent to the date of the enactment of this act made such location, entry, or settlement or caused the same to be made for his, or its, or their benefit. In cases where any patent,

conveyance, lease, permit, or other authorization has been issued, which reserved to the United States source materials and the right to enter upon the land and prospect for, mine, and remove the same, the head of the department or agency which issued the patent, conveyance, lease, permit, or other authorization shall, on application of the holder thereof, issue a new or supplemental patent, conveyance, lease, permit, or other authorization without such reservation."

(d) Notwithstanding the provisions of the Atomic Energy Act, and particularly section 5 (b) 7 thereof, prior to its amendment hereby, or the provisions of the act of August 12, 1953 (67 Stat. 539), and particularly section 3 thereof, any mining claim, heretofore located under the mining laws of the United States, for, or based upon a discovery of a mineral deposit which is a fissionable source material and which, except for the possible contrary construction of said Atomic Energy Act, would have been locatable under such mining laws, shall, insofar as adversely affected by such possible contrary construction, be valid and effective, in all respects to the same extent as if said mineral deposit were a locatable mineral deposit other than a fissionable source material.

Sec. 10. As used in this act "mineral leasing laws" shall mean the act of October 20, 1914 (38 Stat. 741); the act of February 25, 1920 (41 Stat. 437); the act of April 17, 1926 (44 Stat. 301); the act of February 7, 1927 (44 Stat. 1057); and all acts heretofore or hereafter enacted which are amendatory of or supplementary to any of the foregoing acts; "Leasing Act minerals" shall mean all minerals which, upon the effective date of this act, are provided in the mineral leasing laws to be disposed of thereunder; "Leasing Act operations" shall mean operations conducted under a lease, permit, or license issued under the mineral leasing laws in or incidental to prospecting for, drilling for, mining, treating, storing, transporting, or removing Leasing Act minerals; "mining operations" shall mean operations under any unpatented or patented mining claim or mill-site in or incidental to prospecting for, mining, treating, storing, transporting, or removing minerals other than Leasing Act minerals and any other use under any claim of right or title based upon such mining claim or mill-site; "Leasing Act operator" shall mean any party who shall conduct Leasing Act operations; "mining operator" shall mean any party who shall conduct mining operations; "Atomic Energy Act" shall mean the act of August 1, 1946 (60 Stat. 755), as amended; "Atomic Energy Commission" shall mean the United States Atomic Energy Commission established under the Atomic Energy Act or any amendments thereof; "fissionable source material" shall mean uranium, thorium, and all other materials referred to in section 5 (b) (1) of the Atomic Energy Act as reserved or to be reserved to the United States; "uranium lease application" shall mean an application for a uranium lease filed with said Commission with respect to lands which would be open for entry under the mining laws except for their being lands embraced within an offer, application, permit, or lease under the mineral leasing laws or lands known to be valuable for minerals leasable under those laws; "uranium lease" shall mean a uranium mining lease issued by said Commission with respect to any such lands; and "person" shall mean any individual, corporation, partnership, or other legal entity.

Sec. 11. If any provision of this act, or the application of such provision to any person or circumstances, is held unconstitutional, invalid, or unenforceable, the remainder of this act or the application of such provision to persons or circumstances other than those as to which it is held unconstitutional, invalid, or unenforceable, shall not be affected thereby.

Mr. D'EWART (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. ASPINALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: Page 28, line 4, strike period and insert comma in lieu thereof and add the following: "provided, however, that such reservation contained in the patent shall apply only to the lands included in said mining claim which, at the time of the issuance of such patent are—

"(a) included in a permit or lease under the mineral leasing laws; or

"(b) covered by an application or offer for a permit or lease filed under the mineral leasing laws; or

"(c) known to be valuable for minerals subject to disposition under the mineral leasing laws."

Mr. ASPINALL. Mr. Chairman, when the bill was considered in committee there was some objection to the possibility that owners of present mining claims which had not ripened into patents might be denied the right to a fee-simple title without a reservation in the patent expressly reserving the leasable minerals to the Government; also that mining claims located hereafter which would not likely have any leasable mineral development might also be denied the right to have a fee-simple title without an expressed reservation in the patent reserving the leasable minerals to the Federal Government. So it was concluded in a conference between the sponsor of this bill and the gentleman from California [Mr. ENGLE], and myself who sponsors a similar bill that an amendment taking care of that situation might very well be in order.

The amendment which is proposed provides that a patent issued hereafter on lands covered by a mining claim shall not carry the reservation if at the time of the issuance of said patent, there is no mineral leasing lease or permit or an application or offer for a lease or permit covering the lands to be described in the patent. Also, that unless the area is a known area to be valuable for minerals subject to disposition under the mineral leasing laws. Keep in mind that this act provides that the same individual may be both a lessee of the Government, and a claimant under the mining laws of the Government if he so desires; and this simply provides that the claimant receiving a patent shall under certain circumstances proceed as he has heretofore in the past and receive a fee-simple title without any reservation of the leasable minerals. My point is that this will have very little effective use because it will not be needed, but if it is needed in any particular instance, in my opinion it does not harm the legislation at all. I therefore ask your support.

Mr. ENGLE. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from California.

Mr. ENGLE. It is true, is it not, that in the absence of this amendment section 4 would provide a hidden reservation, so to speak, in all mineral claims and in all patents coming from mineral claims.

Mr. ASPINALL. It might be so interpreted.

Mr. ENGLE. May I say to the gentleman that I concur in his amendment; in fact, I helped work it out. I have no objection to reservations of minerals when they are known to exist, but it would be patently unfair, in my opinion, to have mining claims go to patent and then 20 years later the Government exercise a hidden reservation in regard to something that was wholly unknown at the time the claim was filed and the patent was matured.

Mr. D'EWART. Mr. Chairman, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Montana.

Mr. D'EWART. The members of the committee on this side have discussed the amendment and are agreeable to it and think it will improve the bill. We hope it will be adopted.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. SAYLOR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

On page 22, line 4, after the words "prior to", strike out "February 10, 1954," and insert "the effective date of this act."

Mr. SAYLOR. Mr. Chairman, as was explained by the gentleman from Utah [Mr. Dawson], the author of this bill, at the last session of Congress a similar situation arose and Congress validated those claims made by discoverers of uranium up until the 1st day of January 1951. This bill would extend the period for validation of claims until the 10th day of February 1954. From the 10th day of February 1954, the date when the Atomic Energy Commission issued Circular Number 7, down until the effective date of this act there will be a hiatus; there will be a question as to whether or not any claims filed in that period of time are valid. All this amendment does is to say that the provisions of this bill shall extend not just from 1939 down until the 10th day of February 1954, but down until the effective date of the act. I believe this is an improvement to the bill and will prevent anyone's having to come back next year and correct any claims filed between the 10th of February 1954 and the effective date of the act.

Mr. DAWSON of Utah. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as I stated before, the people concerned with these matters, the industry, the oil and gas people, the mining people, have spent a considerable length of time trying to work out a period of time when they feel this would be most equitable to those who have located their claims.

Far be it from me to attempt to go back and try to iron out those differences. There are some conflicts. However, as I stated before, I feel that this

change should be opposed because the big majority of the people out there who have gone out in good faith and located their claims have received the protection they are entitled to under the present wording of the bill. Therefore, I hope the Committee will oppose this amendment and vote it down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. SAYLOR].

The question was taken; and the Chair being in doubt, the Committee divided, and there were—ayes 6, noes 16.

So the amendment was rejected.

The CHAIRMAN. The question is on the committee amendment, as amended. The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. KEATING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 8896) to amend the mineral leasing laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes, pursuant to House Resolution 639, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed, and a motion to reconsider was laid on the table.

Mr. D'EWART. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3344) to amend the mineral leasing laws and the mining laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That, (a) subject to the conditions and provisions of this act and to any valid intervening rights acquired under the laws of the United States, any mining claim located under the mining laws of the United States subsequent to July 31, 1939, and prior to February 10, 1954, on lands of the United States, which at the time of location were—

(1) included in a permit or lease issued under the mineral leasing laws; or

(2) covered by an application or offer for a permit or lease which had been filed under the mineral leasing laws; or

(3) known to be valuable for minerals subject to disposition under the mineral leasing laws;

shall be effective to the same extent in all respects as if such lands at the time of location, and at all times thereafter, had not been so included or covered or known:

Provided, however, That, in order to be entitled to the benefits of this act, the owner of any such mining claim located prior to January 1, 1953, must have posted and filed for record, within the time allowed by the provisions of the act of August 12, 1953 (67 Stat. 539), an amended notice of location as to such mining claim, stating that such notice was filed pursuant to the provisions of said act of August 12, 1953, and for the purpose of obtaining the benefits thereof: *And provided further,* That, in order to obtain the benefits of this act, the owner of any such mining claim located subsequent to December 31, 1952, and prior to February 10, 1954, not later than 120 days after the date of enactment of this act, must post on such claim in the manner required for posting notice of location of mining claims and file for record in the office where the notice or certificate of location of such claim is of record an amended notice of location for such claim, stating that such notice is filed pursuant to the provisions of this act and for the purpose of obtaining the benefits thereof and, within said 120-day period, if such owner shall have filed a uranium lease application as to the tract covered by such mining claim, must file with the Atomic Energy Commission a withdrawal of such uranium lease application or, if a uranium lease shall have issued pursuant thereto, a release of such lease, and must record a notice of the filing of such withdrawal or release in the county office wherein such notice or certificate of location shall have been filed for record.

(b) Labor performed or improvements made after the original location of and upon or for the benefit of any mining claim which shall be entitled to the benefits of this act under the provisions of subsection (a) of this section 1, shall be recognized as applicable to such mining claim for all purposes to the same extent as if the validity of such mining claim were in no respect dependent upon the provisions of this act.

(c) As to any land covered by any mining claim which is entitled to the benefits of this act under the provisions of subsection (a) of this section 1, any withdrawal or reservation of lands made after the original location of such mining claim is hereby modified and amended so that the effect thereof upon such mining claim shall be the same as if such mining claim had been located upon lands of the United States which, subsequent to July 31, 1939, and prior to the date of such withdrawal or reservation, were subject to location under the mining laws of the United States.

SEC. 2. (a) If any mining claim which shall have been located subsequent to December 31, 1952, and prior to December 11, 1953, and which shall be entitled to the benefits of this act, shall cover any lands embraced within any mining claim which shall have been located prior to January 1, 1953, and which shall be entitled to the benefits of this act, then as to such area of conflict said mining claim so located subsequent to December 31, 1952, shall be deemed to have been located December 11, 1953.

(b) If any mining claim hereafter located shall cover any lands embraced within any mining claim which shall have been located prior to February 10, 1954, and which shall be entitled to the benefits of this act, then as to such area of conflict said mining claim hereafter located shall be deemed to have been located 121 days after the date of the enactment of this act.

SEC. 3. (a) Subject to the conditions and provisions of this act and to any valid prior rights acquired under the laws of the United States, the owner of any pending uranium lease application or of any uranium lease shall have, for a period of 120 days after the date of enactment of this act, as limited in subsection (b) of this section 3, the right to locate mining claims upon the lands covered by said application or lease.

(b) Any rights under any such mining claim so hereafter located pursuant to the provisions of subsection (a) of this section 3 shall be subject to any rights of the owner of any mining claim which was located prior to February 10, 1954, and which was valid at the date of the enactment of this act or which may acquire validity under the provisions of this act. As to any lands covered by a uranium lease and also by a pending uranium lease application, the right of mining location under this section 3 as between the owner of said lease and the owner of said application, shall be deemed as to such conflict area to be vested in the owner of said lease. As to any lands embraced in more than one such pending uranium lease application, such right of mining location, as between the owners of such conflicting applications, shall be deemed to be vested in the owner of the prior application. Priority of such an application shall be determined by the time of posting on a tract then available for such leasing of a notice of lease application in accordance with paragraph (c) of the Atomic Energy Commission's Domestic Program Circular 7 (10 C. F. R. 60.7 (c)) provided there shall have been timely compliance with the other provisions of said paragraph (c) or, if there shall not have been such timely compliance, then by the time of the filing of the uranium lease application with the Atomic Energy Commission. Any rights under any mining claim located under the provisions of this section 3 shall terminate at the expiration of 30 days after the filing for record of the notice or certificate of location of such mining claim unless, within said 30-day period, the owner of the uranium lease application or uranium lease upon which the location of such mining claim was predicated shall have filed with the Atomic Energy Commission a withdrawal of said application or a release of said lease and shall have recorded a notice of the filing of such withdrawal or release in the county office wherein such notice or certificate of location shall be of record.

(c) Except as otherwise provided in subsections (a) and (b) of this section 3, no mining claim hereafter located shall be valid as to any lands which at the time of such location were covered by a uranium lease application or a uranium lease. Any tract upon which a notice of lease application has been posted in accordance with said paragraph (c) of said Circular 7 shall be deemed to have been included in a uranium lease application from and after the time of the posting of such notice of lease application: *Provided,* That there shall have been timely compliance with the other provisions of said paragraph (c) or, if there shall not have been such timely compliance, then from and after the time of the filing of a uranium lease application with the Atomic Energy Commission.

SEC. 4. Every mining claim or millsite hereafter located under the mining laws of the United States and every mining claim or millsite heretofore so located which shall be entitled to benefits under the first three sections of this act shall be subject to a reservation to the United States of all Leasing Act minerals and of the right (as limited in sec. 6 hereof) of the United States, its lessees, permittees, and licensees to enter upon the land covered by such mining claim or millsite and to prospect for, drill for, mine, treat, store, transport, and remove Leasing Act minerals and to use so much of the surface and subsurface of such mining claim or millsite as may be necessary for such purposes, and whenever reasonably necessary, for the purpose of prospecting for, drilling for, mining, treating, storing, transporting, and removing Leasing Act minerals on and from other lands; and any patent issued for any such mining claim or millsite shall contain such reservation.

SEC. 5. Subject to the conditions and provisions of this act, mining claims and mill-sites may hereafter be located under the mining laws of the United States on lands of the United States which at the time of location are—

(a) included in a permit or lease issued under the mineral leasing laws; or

(b) covered by an application or offer for a permit or lease filed under the mineral leasing laws; or

(c) known to be valuable for minerals subject to disposition under the mineral leasing laws;

to the same extent in all respects as if such lands were not so included or covered or known.

SEC. 6. (a) Where the same lands are being utilized for mining operations and Leasing Act operations, each of such operations shall be conducted, so far as reasonably practicable, in a manner compatible with such multiple use.

(b) Any mining operations pursuant to rights under any unpatented or patented mining claim or millsite which shall be subject to a reservation to the United States of Leasing Act minerals as provided in this act, shall be conducted, so far as reasonably practicable, in a manner which will avoid damage to any known deposit of any Leasing Act mineral. Subject to the provisions of subsection (d) of this section 6, mining operations shall be so conducted as not to endanger or materially interfere with any existing surface or underground improvements, workings, or facilities which may have been made for the purpose of Leasing Act operations, or with the utilization of such improvements, workings, or facilities.

(c) Any Leasing Act operations on lands covered by an unpatented or patented mining claim or millsite which shall be subject to a reservation to the United States of Leasing Act minerals as provided in this act, shall be conducted, so far as reasonably practicable, in a manner which will avoid damage to any known deposit of any mineral not so reserved from such mining claim or millsite. Subject to the provisions of subsection (d) of this section 6, Leasing Act operations shall be so conducted as not to endanger or materially interfere with any existing surface or underground improvements, workings, or facilities which may have been made for the purpose of mining operations, or with the utilization of such improvements, workings, or facilities.

(d) If, upon petition of either the mining operator or the Leasing Act operator, any court of competent jurisdiction shall find that a particular use in connection with one of such operations cannot be reasonably and properly conducted without endangering or materially interfering with the then existing improvements, workings, or facilities of the other of such operations or with the utilization thereof, and shall find that under the conditions and circumstances, as they then appear, the injury or damage which would result from denial of such particular use would outweigh the injury or damage which would result to such then existing improvements, workings, or facilities or from interference with the utilization thereof if that particular use were allowed, then and in such event such court may permit such use upon payment (or upon furnishing of security determined by the court to be adequate to secure payment) to the party or parties who would be thus injured or damaged, of an amount to be fixed by the court as constituting fair compensation for the then reasonably contemplated injury or damage which would result to such then existing improvements, workings, or facilities or from interference with the utilization thereof by reason of the allowance of such particular use.

(e) Where the same lands are being utilized for mining operations and Leasing Act operations, then upon request of the party conducting either of said operations, the party conducting the other of said operations shall furnish to and at the expense of such requesting party copies of any information which said other party may have, as to the situs of any improvements, workings, or facilities theretofore made upon such lands, and upon like request, shall permit such requesting party, at the risk of such requesting party, to have access at reasonable times to any such improvements, workings, or facilities for the purpose of surveying and checking or determining the situs thereof. If damage to or material interference with a party's improvements, workings, facilities, or with the utilization thereof shall result from such party's failure, after request, to so furnish to the requesting party such information or from denial of such access, such failure or denial shall relieve the requesting party of any liability for the damage or interference resulting by reason of such failure or denial. Failure of a party to furnish requested information or access shall not impose upon such party any liability to the requesting party other than for such costs of court and attorney's fees as may be allowed to the requesting party in enforcing by court action the obligations of this section as to the furnishing of information and access. The obligation hereunder of any party to furnish requested information shall be limited to map and survey information then available to such party with respect to the situs of improvements, workings, and facilities and the furnishing thereof shall not be deemed to constitute any representation as to the accuracy of such information.

SEC. 7. (a) Any applicant, offeror, permittee, or lessee under the mineral leasing laws may file in the office of the Secretary of the Interior, or in such office as the Secretary may designate, a request for publication of notice of such application, offer, permit, or lease, provided expressly, that not less than 90 days prior to the filing of such request for publication there shall have been filed for record in the county office of record for the county in which the lands covered thereby are situate a notice of the filing of such application or offer or of the issuance of such permit or lease which notice shall set forth the date of such filing or issuance, the name and address of the applicant, offeror, permittee or lessee and the description of the lands covered by such application, offer, permit or lease. The filing of such request for publication shall be accompanied by a certified copy of such recorded notice and an affidavit or affidavits of a person or persons over 21 years of age setting forth that the affiant or affiants have examined the lands involved in a reasonable effort to ascertain whether any person or persons were in actual possession of or engaged in the working of such lands or any part thereof, and, if no person or persons were found to be in actual possession of or engaged in the working of said lands or any part thereof on the date of such examination, setting forth such fact, or, if any person or persons were so found to be in actual possession or engaged in such working on the date of such examination, setting forth the name and address of each such person, unless affiant shall have been unable through reasonable inquiry to obtain information as to the name and address of any such person, in which event the affidavit shall set forth fully the nature and results of such inquiry.

The filing of such request for publication shall also be accompanied by the certificate of a title or abstract company, or of a title abstractor, or of an attorney, based upon such company's, abstractor's, or attorney's examination of the instruments affecting the lands involved, of record in the public records

of the county in which said lands are situate as shown by the indices of the public records in the county office of record for said county, setting forth the name of any person disclosed by said instruments to have an interest in said lands under any unpatented mining claim heretofore located, together with the address of such person if disclosed by such instruments of record.

Thereupon the Secretary of the Interior, or his designated representative, at the expense of the requesting person (who, prior to the commencement of publication, must furnish the agreement of the publisher to hold such requesting person alone responsible for charges of publication), shall cause notice of such application, offer permit, or lease to be published in a newspaper having general circulation in the county in which the lands involved are situate.

Such notice shall describe the lands covered by such application, offer, permit, or lease and shall notify whomever it may concern that if any person claiming or asserting under, or by virtue of, any unpatented mining claim heretofore located, any right or interest in Leasing Act minerals as to such lands or any part thereof, shall fail to file in the office where such request for publication was filed (which office shall be specified in such notice) and within 150 days from the date of the first publication of such notice, a verified statement which shall set forth, as to such unpatented mining claim:

(1) The date of location;

(2) The book and page of recordation of the notice or certificate of location;

(3) The section or sections of the public land surveys which embrace such mining claim; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument;

(4) Whether such claimant is a locator or purchaser under such location; and

(5) The name and address of such claimant and names and addresses so far as known to the claimant of any other person or persons claiming any interest or interests in or under such unpatented mining claim; such failure shall be conclusively deemed (i) to constitute a waiver and relinquishment by such mining claimant of any and all right, title, and interest under such mining claim as to, but only as to, Leasing Act minerals, and (ii) to constitute a consent by such mining claimant that such mining claim and any patent issued therefor, shall be subject to the reservation specified in section 4 of this act, and (iii) to preclude thereafter any assertion by such mining claimant of any right or title to or interest in any Leasing Act mineral by reason of such mining claim.

If such notice is published in a daily paper, it shall be published in the Wednesday issue for 9 consecutive weeks, or, if in a weekly paper in 9 consecutive issues, or, if in a semiweekly or triweekly paper, in the issue of the same day of each week for 9 consecutive weeks.

Within 15 days after the date of first publication of such notice, the person requesting such publication (1) shall cause a copy of such notice to be personally delivered to or to be mailed by registered mail addressed to each person in possession or engaged in the working of the land whose name and address is shown by an affidavit filed as aforesaid, and to each person who may have filed, to any lands described in said notice, a request for notices, as provided in subsection (d) of this section 7, and shall cause a copy of such notice to be mailed by registered mail to each person whose name and address is set forth in the title or abstract company's or title abstractor's or attorney's certificate filed as aforesaid, as having an interest in the lands described in said notice

under any unpatented mining claim heretofore located, such notice to be directed to such person's address as set forth in such certificate; and (2) shall file in the office where said request for publication was filed an affidavit showing that copies have been so delivered or mailed.

(b) If any claimant under any unpatented mining claim heretofore located which embraces any of the lands described in any notice published in accordance with the provisions of subsection (a) of this section 7 shall fail to file a verified statement, as above provided, within 150 days from the date of the first publication of such notice, such failure shall be conclusively deemed, except as otherwise provided in subsection (e) of this section 7, (i) to constitute a waiver and relinquishment of such mining claimant of any and all right, title, and interest under such mining claim as to, but only as to, Leasing Act minerals, and (ii) to constitute a consent by such mining claimant that such mining claim and any patent issued therefor, shall be subject to the reservation specified in section 4 of this act, and (iii) to preclude thereafter any assertion by such mining claimant of any right or title to or title to or interest in any Leasing Act mineral by reason of such mining claim.

(c) If any verified statement shall be filed by a mining claimant as provided in subsection (a) of this section 7, then the Secretary of the Interior or his designated representative shall fix a time and place for a hearing to determine the validity and effectiveness of the mining claimant's asserted right or interest in Leasing Act minerals. The procedures with respect to notice of such a hearing and the conduct thereof, and in respect to appeals shall follow the then established general procedures and rules of practice of the Department of the Interior in respect to contests or protests affecting public lands of the United States. If at any time prior to a hearing the person requesting publication of notice and any person filing a verified statement pursuant to such notice shall so stipulate, then to the extent so stipulated, but only to such extent, no hearing shall be held with respect to rights asserted under that verified statement, and to the extent defined by the stipulation the rights asserted under that verified statement shall be deemed unaffected by that particular published notice.

(d) Any person claiming any right in Leasing Act minerals under or by virtue of any unpatented mining claim heretofore located and desiring to receive a copy of any notice of any application, offer, permit, or lease which may be published as above provided in subsection (a) of this section 7, and which may affect lands embraced in such mining claim, may cause to be filed for record in the count office of record where the notice or certificate of location of such mining claim shall have been recorded, a duly acknowledged request for a copy of any such notice. Such request for copies shall set forth the name and address of the person requesting copies and shall also set forth, as to each mining claim under which such person asserts rights in Leasing Act minerals:

- (1) the date of location;
- (2) the book and page of the recordation of the notice or certificate of location; and
- (3) the section or sections of the public land surveys which embrace such mining claim; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument.

Other than in respect to the requirements of subsection (a) of this section 7 as to personal delivery or mailing of copies of notices and in respect to the provisions of subsection (e) of this section 7, no such request for copies of published notices and no state-

ment or allocation in such request and no recordation thereof shall affect title to any mining claim or to any land, or be deemed to constitute constructive notice to any person that the person requesting copies has, or claims, any right, title, or interest in or under any mining claim referred to in such request.

(e) If any applicant, offeror, permittee, or lessee shall fail to comply with the requirements of subsection (a) of this section 7 as to the personal delivery or mailing of a copy of notice to any person, the publication of such notice shall be deemed wholly ineffectual as to that person or as to the rights asserted by that person and the failure of that person to file a verified statement, as provided in such notice, shall in no manner affect, diminish, prejudice or bar any rights of that person.

SEC. 8. The owner or owners of any mining claim heretofore located may, at any time prior to issuance of patent therefor, waive and relinquish all rights thereunder to Leasing Act minerals. The execution and acknowledgment of such a waiver and relinquishment by such owner or owners and the recordation thereof in the office where the notice or certificate of location of such mining claim is of record shall render such mining claim thereafter subject to the reservation referred to in section 4 of this act and any patent issued therefor shall contain such a reservation, but no such waiver or relinquishment shall be deemed in any manner to constitute any concession as to the date of priority of rights under said mining claim or as to the validity thereof.

SEC. 9. Notwithstanding any previous act, regulation, or decision, the reservation of minerals in lands withdrawn from the public domain for mineral purposes by Executive order, proclamation, or other administrative procedure shall be applicable only to those minerals and for the purposes expressed in said Executive order, proclamation, or other administrative procedure. The Secretary of the Interior shall retain the power and authority to dispose of other leasable minerals in said lands by leasing procedures applicable to the public domain. This section shall become effective April 1, 1955.

SEC. 10. The Atomic Energy Act is hereby amended as follows:

(a) Section 5 (b) (5) is revised to read:

"(5) Acquisition: The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this Act, to purchase, take, requisition, condemn, or otherwise acquire—

"(A) supplies of source materials or any interest in real property containing deposits of source materials; and

"(B) rights to enter upon any real property deemed by it to have possibilities of containing deposits of source materials and to conduct prospecting and exploratory operations for such deposits.

Any purchase made under this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and partial and advance payments may be made thereunder. The Commission may establish guaranteed prices for all source materials delivered to it within a specified time. Just compensation shall be made for any property or interest in property taken, requisitioned, or condemned under this paragraph."

(b) Section 5 (b) (6) is revised to read:

"(6) Operations on lands belonging to the United States: The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this act, to issue leases or permits for prospecting for, exploration for, mining, or removal of deposits

of source materials (or for any or all of these purposes) in lands belonging to the United States."

(c) Section 5 (b) (7) is revised to read:

"(7) Public lands: No individual, corporation, partnership, or association, which had any part, directly or indirectly, in the development of the atomic bomb project, may benefit by any location, entry, or settlement upon the public domain made after such individual, corporation, partnership, or association took part in such project, if such individual, corporation, partnership, or association, by reason of having had such part in the development of the atomic bomb project, acquired confidential official information as to the existence of deposits of such uranium, thorium, or other materials, in the specific lands upon which such location, entry, or settlement is made, and subsequent to the date of the enactment of this act made such location, entry, or settlement or cause the same to be made for his, or its, or their benefit. In cases where any patent, conveyance, lease, permit, or other authorization has been issued, which reserved to the United States source materials and the right to enter upon the land and prospect for, mine, and remove the same, the head of the department or agency which issued the patent, conveyance, lease, permit, or other authorization shall, on application of the holder thereof, issue a new or supplemental patent, conveyance, lease, permit, or other authorization without such reservation."

(d) Notwithstanding the provisions of the Atomic Energy Act, and particularly section 5 (b) (7) thereof, prior to its amendment hereby, or the provisions of the act of August 12, 1953 (67 Stat. 539), and particularly section 3 thereof, any mining claim, heretofore located under the mining laws of the United States, for, or based upon a discovery of a mineral deposit which is a fissionable source material and which, except for the possible contrary construction of said Atomic Energy Act, would have been locatable under such mining laws, shall, insofar as adversely affected by such possible contrary construction, be valid and effective, in all respects to the same extent as if said mineral deposit were a locatable mineral deposit other than a fissionable source material.

SEC. 11. As used in this act "mineral leasing laws" shall mean the act of October 20, 1914 (38 Stat. 741); the act of February 25, 1920 (41 Stat. 437); the act of April 17, 1926 (44 Stat. 301); the act of February 7, 1927 (44 Stat. 1057); and all acts heretofore or hereafter enacted which are amendatory of or supplementary to any of the foregoing acts; "Leasing Act minerals" shall mean all minerals which, upon the effective date of this act, are provided in the mineral leasing laws to be disposed of thereunder; "Leasing Act operations" shall mean operations conducted under a lease, permit, or license issued under the mineral leasing laws in or incidental to prospecting for, drilling for, mining, treating, storing, transporting, or removing Leasing Act minerals; "mining operations" shall mean operations under any unpatented or patented mining claim or millsite in or incidental to prospecting for, mining, treating, storing, transporting, or removing minerals other than Leasing Act minerals and any other use under any claim of right or title based upon such mining claim or millsite; "Leasing Act operator" shall mean any party who shall conduct Leasing Act operations; "mining operator" shall mean any party who shall conduct mining operations; "Atomic Energy Act" shall mean the act of August 1, 1946 (60 Stat. 755), as amended; "Atomic Energy Commission" shall mean the United States Atomic Energy Commission established under the Atomic Energy Act or any amendments thereof; "fissionable source material" shall mean uranium, thorium, and all other materials referred to in section 5 (b) (1) of

the Atomic Energy Act as reserved or to be reserved to the United States; "uranium lease application" shall mean an application for a uranium lease filed with said Commission with respect to lands which would be open for entry under the mining laws except for their being lands embraced within an offer, application, permit, or lease under the mineral leasing laws or lands known to be valuable for minerals leaseable under those laws; "uranium lease" shall mean a uranium mining lease issued by said Commission with respect to any such lands; and "person" shall mean any individual, corporation, partnership, or other legal entity.

SEC. 12. If any provision of this act, or the application of such provision to any person or circumstances, is held unconstitutional, invalid, or unenforceable, the remainder of this act or the application of such provision to persons or circumstances other than those as to which it is held unconstitutional, invalid, or unenforceable, shall not be affected thereby.

Mr. D'EWART. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by D'EWART: Strike out all after the enacting clause and insert the language of H. R. 8896 as passed:

"That, (a) subject to the conditions and provisions of this act and to any valid intervening rights acquired under the laws of the United States, any mining claim located under the mining laws of the United States subsequent to July 31, 1939, and prior to February 10, 1954, on lands of the United States, which at the time of location were—

"(1) included in a permit or lease issued under the mineral leasing laws; or

"(2) covered by an application or offer for a permit or lease which had been filed under the mineral leasing laws; or

"(3) known to be valuable for minerals subject to disposition under the mineral leasing laws.

shall be effective to the same extent in all respects as if such lands at the time of location, and at all times thereafter, had not been so included or covered or known: *Provided, however*, That, in order to be entitled to the benefits of this act, the owner of any such mining claim located prior to January 1, 1953, must have posted and filed for record, within the time allowed by the provisions of the act of August 12, 1953 (67 Stat. 539), an amended notice of location as to such mining claim, stating that such notice was filed pursuant to the provisions of said act of August 12, 1953, and for the purpose of obtaining the benefits thereof: *And provided further*, That in order to obtain the benefits of this act, the owner of any such mining claim located subsequent to December 31, 1952, and prior to February 10, 1954, not later than 120 days after the date of enactment of this act, must post on such claim in the manner required for posting notice of location of mining claims and file for record in the office where the notice or certificate of location of such claim is of record an amended notice of location for such claim, stating that such notice is filed pursuant to the provisions of this act and for the purpose of obtaining the benefits thereof and, within said 120-day period, if such owner shall have filed a uranium-lease application as to the tract covered by such mining claim, must file with the Atomic Energy Commission a withdrawal of such uranium-lease application or, if a uranium lease shall have issued pursuant thereto, a release of such lease, and must record a notice of the filing of such withdrawal or release in the county office wherein such notice or certificate of location shall have been filed for record.

"(b) Labor performed or improvements made after the original location of and upon or for the benefit of any mining claim which

shall be entitled to the benefits of this act under the provisions of subsection (a) of this section 1, shall be recognized as applicable to such mining claim for all purposes to the same extent as if the validity of such mining claim were in no respect dependent upon the provisions of this act.

"(c) As to any land covered by any mining claim which is entitled to the benefits of this act under the provisions of subsection (a) of this section 1, any withdrawal or reservation of lands made after the original location of such mining claim is hereby modified and amended so that the effect thereof upon such mining claim shall be the same as if such mining claim had been located upon lands of the United States which, subsequent to July 31, 1939, and prior to the date of such withdrawal or reservation, were subject to location under the mining laws of the United States.

"SEC. 2. (a) If any mining claim which shall have been located subsequent to December 31, 1952, and prior to December 11, 1953, and which shall be entitled to the benefits of this act, shall cover any lands embraced within any mining claim which shall have been located prior to January 1, 1953, and which shall be entitled to the benefits of this act, then as to such area of conflict said mining claim so located subsequent to December 31, 1952, shall be deemed to have been located December 11, 1953.

"(b) If any mining claim hereafter located shall cover any lands embraced within any mining claim which shall have been located prior to February 10, 1954, and which shall be entitled to the benefits of this act, then as to such area of conflict said mining claim hereafter located shall be deemed to have been located 121 days after the date of the enactment of this act.

"SEC. 3. (a) Subject to the conditions and provisions of this act and to any valid prior rights acquired under the laws of the United States, the owner of any pending uranium lease application or of any uranium lease shall have, for a period of 120 days after the date of enactment of this act, as limited in subsection (b) of this section 3, the right to locate mining claims upon the lands covered by said application or lease.

"(b) Any rights under any such mining claim so hereafter located pursuant to the provisions of subsection (a) of this section 3 shall be subject to any rights of the owner of any mining claim which was located prior to February 10, 1954, and which was valid at the date of the enactment of this act or which may acquire validity under the provisions of this act. As to any lands covered by a uranium lease and also by a pending uranium lease application, the right of mining location under this section 3, as between the owner of said lease and the owner of said application, shall be deemed as to such conflict area to be vested in the owner of said lease. As to any lands embraced in more than one such pending uranium lease application, such right of mining location, as between the owners of such conflicting applications, shall be deemed to be vested in the owner of the prior application. Priority of such an application shall be determined by the time of posting on a tract then available for such leasing of a notice of lease application in accordance with paragraph (c) of the Atomic Energy Commission's Domestic Uranium Program Circular 7 (10 C. F. R. 60.7 (c)) provided there shall have been timely compliance with the other provisions of said paragraph (c) or, if there shall not have been such timely compliance, then by the time of the filing of the uranium lease application with the Atomic Energy Commission. Any rights under any mining claim located under the provisions of this section 3 shall terminate at the expiration of 30 days after filing for record of the notice or certificate of

location of such mining claim unless, within said 30-day period, the owner of the uranium lease application or uranium lease upon which the location of such mining claim was predicated shall have filed with the Atomic Energy Commission a withdrawal of said application or a release of said lease and shall have recorded a notice of the filing of such withdrawal or release in the county office wherein such notice or certificate of location shall be of record.

"(c) Except as otherwise provided in subsections (a) and (b) of this section 3, no mining claim hereafter located shall be valid as to any lands which at the time of such location were covered by a uranium lease application or a uranium lease. Any tract upon which a notice of lease application has been posted in accordance with said paragraph (c) of said Circular 7 shall be deemed to have been included in a uranium lease application from and after the time of the posting of such notice of lease application: *Provided*, That there shall have been timely compliance with the other provisions of said paragraph (c) or, if there shall not have been such timely compliance, then from and after the time of the filing of a uranium lease application with the Atomic Energy Commission.

"SEC. 4. Every mining claim or millsite hereafter located under the mining laws of the United States and every mining claim or millsite heretofore so located which shall be entitled to benefits under the first three sections of this act shall be subject to a reservation to the United States of all Leasing Act minerals and of the right (as limited in sec. 6 hereof) of the United States, its lessees, permittees, and licensees to enter upon the land covered by such mining claim or millsite and to prospect for, drill for, mine, treat, store, transport, and remove Leasing Act minerals and to use so much of the surface and subsurface of such mining claim or millsite as may be necessary for such purposes, and whenever reasonably necessary, for the purpose of prospecting for, drilling for, mining, treating, storing, transporting, and removing Leasing Act minerals on and from other lands; and any patent issued for any such mining claim or millsite and contain such reservation: *Provided, however*, That such reservation contained in the patent shall apply only to the lands included in said mining claim which, at the time of the issuance of such patent are—

"(a) included in a permit or lease under the mineral leasing laws; or

"(b) covered by an application or offer for a permit or lease filed under the mineral leasing laws; or

"(c) known to be valuable for minerals subject to disposition under the mineral leasing laws.

"SEC. 5. Subject to the conditions and provisions of this act, mining claims and millsites may hereafter be located under the mining laws of the United States on lands of the United States which at the time of location are—

"(a) included in a permit or lease issued under the mineral leasing laws; or

"(b) covered by an application or offer for a permit or lease filed under the mineral leasing laws; or

"(c) known to be valuable for minerals subject to disposition under the mineral leasing laws;

to the same extent in all respects as if such lands were not so included or covered or known.

"SEC. 6. (a) Where the same lands are being utilized for mining operations and Leasing Act operations, each of such operations shall be conducted, so far as reasonably practicable, in a manner compatible with such multiple use.

"(b) Any mining operations pursuant to rights under any unpatented or patented

mining claim or millsite which shall be subject to a reservation to the United States of Leasing Act minerals as provided in this act, shall be conducted, so far as reasonably practicable, in a manner which will avoid damage to any known deposit of any Leasing Act mineral. Subject to the provisions of subsection (d) of this section 6, mining operations shall be so conducted as not to endanger or materially interfere with any existing surface or underground improvements, workings, or facilities which may have been made for the purpose of Leasing Act operations, or with the utilization of such improvements, workings, or facilities.

"(c) Any Leasing Act operations on lands covered by an unpatented or patented mining claim or millsite which shall be subject to a reservation to the United States of Leasing Act minerals as provided in this act, shall be conducted, so far as reasonably practicable, in a manner which will avoid damage to any known deposit of any mineral not so reserved from such mining claim or millsite. Subject to the provisions of subsection (d) of this section 6, Leasing Act operations shall be so conducted as not to endanger or materially interfere with any existing surface or underground improvements, workings, or facilities which may have been made for the purpose of mining operations, or with the utilization of such improvements, workings, or facilities.

"(d) If, upon petition of either the mining operator or the Leasing Act operator, any court of competent jurisdiction shall find that a particular use in connection with one of such operations cannot be reasonably and properly conducted without endangering or materially interfering with the then existing improvements, workings, or facilities of the other of such operations or with the utilization thereof, and shall find that under the conditions and circumstances, as they then appear, the injury or damage which would result from denial of such particular use would outweigh the injury or damage which would result to such then existing improvements, workings, or facilities or from interference with the utilization thereof if that particular use were allowed, then in such event such court may permit such use upon payment (or upon furnishing of security determined by the court to be adequate to secure payment) to the party or parties who would be thus injured or damaged, of an amount to be fixed by the court as constituting fair compensation for the then reasonably contemplated injury or damage which would result to such then existing improvements, workings, or facilities or from interference with the utilization thereof by reason of the allowance of such particular use.

"(e) Where the same lands are being utilized for mining operations and Leasing Act operations, then upon request of the party conducting either of said operations, the party conducting the other of said operations shall furnish to and at the expense of such requesting party copies of any information which said other party may have, as to the situs of any improvements, workings, or facilities theretofore made upon such lands, and upon like request, shall permit such requesting party, at the risk of such requesting party, to have access at reasonable times to any such improvements, workings, or facilities for the purpose of surveying and checking or determining the situs thereof. If damage to or material interference with a party's improvements, workings, facilities, or with the utilization thereof shall result from such party's failure, after request, to so furnish to the requesting party such information or from denial of such access, such failure or denial shall relieve the requesting party of any liability for the damage or interference resulting by reason of such failure or denial. Failure of a party to furnish requested information or access shall not impose upon such party any liability to

the requesting party other than for such costs of court and attorney's fees as may be allowed to the requesting party in enforcing by court action the obligations of this section as to the furnishing of information and access. The obligation hereunder of any party to furnish requested information shall be limited to map and survey information then available to such party with respect to the situs of improvements, workings, and facilities and the furnishing thereof shall not be deemed to constitute any representation as to the accuracy of such information.

"SEC. 7. (a) Any applicant, offeror, permittee, or lessee under the mineral leasing laws may file in the office of the Secretary of the Interior, or in such office as the Secretary may designate, a request for publication of notice of such application, offer, permit, or lease, provided, expressly, that not less than 90 days prior to the filing of such request for publication there shall have been filed for record in the county Office of Record for the county in which the lands covered thereby are situate a notice of the filing of such application or offer or of the issuance of such permit or lease which notice shall set forth the date of such filing or issuance, the name and address of the applicant, offeror, permittee, or lessee and the description of the lands covered by such application, offer, permit or lease, showing section or sections of land surveyed, or, if such lands are unsurveyed, the section or sections of land which would probably be involved when the public lands surveyed are extended to such lands, or a tie by courses and distances to an approved United States Mineral Monument. The filing of such request for publication shall be accompanied by a certified copy of such recorded notice and an affidavit or affidavits of a person or persons over 21 years of age setting forth that the affiant or affiants have examined the lands involved in a reasonable effort to ascertain whether any person or persons were in possession of or engaged in the working of such lands or any part thereof, and, if no person or persons were found to be in possession of or engaged in the working of said lands or any part thereof, on the date of such examination, setting forth such fact, or, if any person or persons were so found to be in possession of or engaged in such working on the date of such examination, setting forth the name and address of each such person, unless affiant shall have been unable through reasonable inquiry to obtain information as to the name and address of any such person, in which event the affidavit shall set forth fully the nature and results of such inquiry.

"Thereupon the Secretary of the Interior, or his designated representative, at the expense of the requesting person (who, prior to the commencement of publication, must furnish the agreement of the publisher to hold such requesting person alone responsible for charges of publication), shall cause notice of such application, offer, permit, or lease to be published in a newspaper having general circulation in the county in which the lands involved are situate.

"Such notice shall describe the lands covered by such application, offer, permit, or lease, as provided heretofore in the notice to be filed in the office of record of the county in which the lands covered are situate, and shall notify whomever it may concern that if any person claiming or asserting under, or by virtue of, any unpatented mining claim, any right or interest in Leasing Act minerals as to such lands or any part thereof, shall fail to file in the office where such request for publication was filed (which office shall be specified in such notice) and within 150 days from the date of the first publication of such notice (which date shall be specified in such notice), a verified statement which shall set forth, as to such unpatented mining claim:

"(1) The date of location;

"(2) The book and page of recordation of the notice or certificate of location;

"(3) The section or sections of the public land surveys which embrace such mining claim; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument;

"(4) Whether such claimant is a locator or purchaser under such location; and

"(5) The name and address of such claimant and names and addresses so far as known to the claimant of any other person or persons claiming any interest or interests in or under such unpatented mining claim;

such failure shall be conclusively deemed (i) to constitute a waiver and relinquishment by such mining claimant of any and all right, title, and interest under such mining claim as to, but only as to, Leasing Act minerals, and (ii) to constitute a consent by such mining claimant that such mining claim and any patent issued therefor, shall be subject to the reservation specified in section 4 of this act, and (iii) to preclude thereafter any assertion by such mining claimant of any right or title to or interest in any Leasing Act mineral by reason of such mining claim.

"If such notice is published in a daily paper, it shall be published in the Wednesday issue for 9 consecutive weeks, or, if in a weekly paper, in 9 consecutive issues, or, if in a semiweekly or triweekly paper, in the issue of the same day of each week for 9 consecutive weeks.

"Within 15 days after the date of first publication of such notice, the person requesting such publication (1) shall cause a copy of such notice to be personally delivered to or to be sent by registered mail addressed to each person in possession or engaged in the working of the land whose name and address is shown by an affidavit file as aforesaid, and to each person who may have filed, as to any lands described in said notice, a request for notices, as provided in subsection (d) of this section 7, and (2) shall file in the office where said request for publication was filed an affidavit showing that copies have been so delivered or mailed.

"(b) If any claimant under any unpatented mining claim which embraces any of the lands described in any notice published in accordance with the provisions of subsection (a) of this section 7 shall fail to file a verified statement, as above provided, within 150 days from the date of the first publication of such notice, such failure shall be conclusively deemed, except as otherwise provided in subsection (e) of this section 7, (i) to constitute a waiver and relinquishment by such mining claimant of any and all right, title, and interest under such mining claim as to, but only as to, Leasing Act minerals, and (ii) to constitute a consent by such mining claimant that such mining claim and any patent issued therefore, shall be subject to the reservation specified in section 4 of this act, and (iii) to preclude thereafter any assertion by such mining claimant of any right or title to or interest in any Leasing Act mineral by reason of such mining claim.

"(c) If any verified statement shall be filed by a mining claimant as provided in subsection (a) of this section 7, then the Secretary of the Interior or his designated representative shall fix a time and place for a hearing to determine the validity and effectiveness of the mining claimant's asserted right or interest in Leasing Act minerals, which place of hearing shall be in the county where said interest or part of it is located, unless the mining claimant agrees otherwise. The procedures with respect to notice of such a hearing and the

conduct thereof, and in respect to appeals shall follow the then established general procedures and rules of practice of the Department of the Interior in respect to contests or protests affecting public lands of the United States. If, pursuant to such a hearing the final decision rendered shall affirm the validity and effectiveness of any mining claim as to Leasing Act minerals then no subsequent proceeding under section 7 of this act shall have any force or effect upon any rights or interests under the said so affirmed mining claim. If at any time prior to a hearing the person requesting publication of notice and any person filing a verified statement pursuant to such notice shall so stipulate, then to the extent so stipulated, but only to such extent, no hearing shall be held with respect to rights asserted under that verified statement, and to the extent defined by the stipulation the rights asserted under that verified statement shall be deemed to be unaffected by that particular published notice.

"(d) Any person claiming any right in Leasing Act minerals under or by virtue of any unpatented mining claim and desiring to receive a copy of any notice of any application, offer, permit, or lease which may be published as above provided in subsection (a) of this section 7 and which may affect lands embraced in such mining claim, may cause to be filed for record in the county office of record where the notice or certificate of location of such mining claim shall have been recorded, a duly acknowledged request for a copy of any such notice. Such request for copies shall set forth the name and address of the person requesting copies and shall also set forth, as to each mining claim under which such person asserts rights in Leasing Act minerals:

- "(1) the date of location;
- "(2) the book and page of the recordation of the notice or certificate of location; and
- "(3) the section or sections of the public land surveys which embrace such mining claim; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument.

Other than in respect to the requirements of subsection (a) of this section 7 as to personal delivery or mailing of copies of notices and in respect to the provisions of subsection (e) of this section 7, no such request for copies of published notices and no statement or allegation in such request and no recordation thereof shall affect title to any mining claim or to any land, or be deemed to constitute constructive notice to any person that the person requesting copies has, or claims, any right, title, or interest in or under any mining claim referred to in such request.

"(e) If any applicant, offeror, permittee, or lessee shall fail to comply with the requirements of subsection (a) of this section 7 as to the personal delivery or mailing of a copy of notice to any person, the publication of such notice shall be deemed wholly ineffectual as to that person or as to the rights asserted by that person and the failure of that person to file a verified statement, as provided in such notice, shall in no manner affect, diminish, prejudice or bar any rights of that person.

"SEC. 8. The owner or owners of any mining claim heretofore located may, at any time prior to issuance of patent therefor, waive and relinquish all rights thereunder to Leasing Act minerals. The execution and acknowledgment of such a waiver and relinquishment by such owner or owners and the recordation thereof in the office where the notice or certificate of location of such mining claim is of record shall render such

mineral claim thereafter subject to the reservation referred to in section 4 of this act and any patent issued therefor shall contain such a reservation, but no such waiver or relinquishment shall be deemed in any manner to constitute any concession as to the date of priority of rights under said mining claim or as to the validity thereof.

"SEC. 9. The Atomic Energy Act is hereby amended as follows:

"(a) Section 5 (b) (5) is revised to read:

"(5) Acquisition: The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this act, to purchase, take, requisition, condemn, or otherwise acquire—

"(A) supplies of source materials or any interest in real property containing deposits of source materials, and

"(B) rights to enter upon any real property deemed by it to have possibilities of containing deposits of source materials and to conduct prospecting and exploratory operations for such deposits.

Any purchase made under this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and partial and advance payments may be made thereunder. The Commission may establish guaranteed prices for all source materials delivered to it within a specified time. Just compensation shall be made for any property or interest in property purchased, taken, requisitioned, condemned, or otherwise acquired under this paragraph.

"(b) Section 5 (b) (6) is revised to read:

"(6) Operations on lands belonging to the United States: The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this act, to issue leases or permits for prospecting for, exploration for, mining, or removal of deposits of source materials (or for any or all of these purposes) in lands belonging to the United States.

"(c) Section 5 (b) (7) is revised to read:

"(7) Public lands: No individual, corporation, partnership, or association, which had any part, directly or indirectly, in the development of the atomic bomb project, may benefit by any location, entry, or settlement upon the public domain made after such individual, corporation, partnership, or association took part in such project, if such individual, corporation, partnership, or association, by reason of having had such part in the development of the atomic bomb project, acquired confidential official information as to the existence of deposits of such uranium, thorium, or other materials in the specific lands upon which such location, entry, or settlement is made, and subsequent to the date of the enactment of this act made such location, entry, or settlement or caused the same to be made for his, or its, or their benefit. In cases where any patent, conveyance, lease, permit, or other authorization has been issued, which reserved to the United States source materials and the right to enter upon the land and prospect for, mine, and remove the same, the head of the department or agency which issued the patent, conveyance, lease, permit, or other authorization shall, on application of the holder thereof, issue a new or supplemental patent, conveyance, lease, permit, or other authorization without such reservation."

"(d) Notwithstanding the provisions of the Atomic Energy Act, and particularly section 5 (b) 7 thereof, prior to its amendment hereby, or the provisions of the act of August 12, 1953 (67 Stat. 539), and particularly section 3 thereof, any mining claim, heretofore located under the mining laws of the United States, for, or based upon a discovery of a

mineral deposit which is a fissionable source material and which, except for the possible contrary construction of said Atomic Energy Act, would have been locatable under such mining laws, shall, insofar as adversely affected by such possible contrary construction, be valid and effective, in all respects to the same extent as if said mineral deposit were a locatable mineral deposit other than a fissionable source material.

"SEC. 10. As used in this act 'mineral leasing laws' shall mean the act of October 20, 1914 (38 Stat. 741); the act of February 25, 1920 (41 Stat. 437); the act of April 17, 1926 (44 Stat. 301); the act of February 7, 1927 (44 Stat. 1057); and all acts heretofore or hereafter enacted which are amendatory of or supplementary to any of the foregoing acts; 'Leasing Act minerals' shall mean all minerals which, upon the effective date of this act, are provided in the mineral leasing laws to be disposed of thereunder, 'Leasing Act operations' shall mean operations conducted under a lease, permit, or license issued under the mineral leasing laws in or incidental to prospecting for, drilling for, mining, treating, storing, transporting, or removing Leasing Act minerals; 'mining operations' shall mean operations under any unpatented or patented mining claim or millsite in or incidental to prospecting for, mining, treating, storing, transporting, or removing minerals other than Leasing Act minerals and any other use under any claim of right or title based upon such mining claim or millsite; 'Leasing Act operator' shall mean any party who shall conduct Leasing Act operations; 'mining operator' shall mean any party who shall conduct mining operations; 'Atomic Energy Act' shall mean the Act of August 1, 1946 (60 Stat. 755), as amended; 'Atomic Energy Commission' shall mean the United States Atomic Energy Commission established under the Atomic Energy Act or any amendments thereof; 'fissionable source material' shall mean uranium, thorium, and all other materials referred to in section 5 (b) (1) of the Atomic Energy Act as reserved or to be reserved to the United States; 'uranium lease application' shall mean an application for a uranium lease filed with said Commission with respect to lands which would be open for entry under the mining laws except for their being lands embraced within an offer, application, permit, or lease under the mineral leasing laws or lands known to be valuable for minerals leasable under those laws; 'uranium lease' shall mean a uranium mining lease issued by said Commission with respect to any such lands; and 'person' shall mean any individual, corporation, partnership, or other legal entity.

"SEC. 11. If any provision of this act, or the application of such provision to any person or circumstances, is held unconstitutional, invalid, or unenforceable, the remainder of this act or the application of such provision to persons or circumstances other than those as to which it is held unconstitutional, invalid, or unenforceable, shall not be affected thereby."

The SPEAKER. The question is on the amendment offered by the gentleman from Montana [Mr. D'EWART].

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The proceedings whereby the bill H. R. 8896, was passed were vacated, and that bill was laid on the table.

HOUSING ACT OF 1954

Mr. WOLCOTT submitted the following conference report and statement on

the bill (H. R. 7839) to aid in the provision and improvement of housing, the elimination and prevention of slums, and the conservation and development of urban communities:

CONFERENCE REPORT (H. REPT. No. 2271)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7839) to aid in the provision and improvement of housing, the elimination and prevention of slums, and the conservation and development of urban communities, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That this Act may be cited as the 'Housing Act of 1954'."

"TITLE I—FEDERAL HOUSING ADMINISTRATION
"Amendments of title I of the National Housing Act

"SEC. 101. (a) Section 2 (a) of the National Housing Act, as amended, is hereby amended—

"(1) by striking out the period at the end of the second sentence and by inserting a colon and the following: 'Provided, That with respect to any loan, advance of credit, or purchase made after the effective date of the Housing Act of 1954, the amount of any claim for loss on any such individual loan, advance of credit, or purchase paid by the Commissioner under the provisions of this section to a lending institution shall not exceed 90 per centum of such loss.'; and

"(2) by inserting at the end thereof the following:

"'After the effective date of the Housing Act of 1954, (i) the Commissioner shall not enter into contracts for insurance pursuant to this section except with lending institutions which are subject to the inspection and supervision of a governmental agency required by law to make periodic examinations of their books and accounts, and which the Commissioner finds to be qualified by experience or facilities to make and service such loans, advances or purchases, and with such other lending institutions which the Commissioner approves as eligible for insurance pursuant to this section on the basis of their credit and their experience or facilities to make and service such loans, advances or purchases; (ii) only such items as substantially protect or improve the basic livability or utility of properties shall be eligible for financing under this section, and therefore the Commissioner shall from time to time declare ineligible for financing under this section any item, product, alteration, repair, improvement, or class thereof which he determines would not substantially protect or improve the basic livability or utility of such properties, and he may also declare ineligible for financing under this section any item which he determines is especially subject to selling abuses; and (iii) the Commissioner is hereby authorized and directed, by such regulations or procedures as he shall deem advisable, to prevent the use of any financial assistance under this section (1) with respect to new residential structures that have not been completed and occupied for at least six months, or (2) which would, through multiple loans, result in an outstanding aggregate loan balance with respect to the same structure exceeding the dollar amount limitation prescribed in this subsection for the type of loan involved.'

"(b) As used in the amendments made by subsection (a) of this section 'effective date of the Housing Act of 1954' shall mean the first day after the first full calendar month

following the date of approval of the Housing Act of 1954.

"SEC. 102. Section 2 (f) of said Act, as amended, is hereby amended by adding the following at the end thereof: 'The account heretofore established in connection with insurance operations under this section and identified in the accounting records of the Federal Housing Administration as the Title I Claims Account shall be terminated as of August 1, 1954, at which time all of the remaining assets of such account, together with deposits therein for the account of obligors, shall be transferred to and merged with the account established pursuant to this subsection. Moneys in the account established pursuant to this subsection not needed for the current operations of the Federal Housing Administration may be invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States.'

"SEC. 103. Section 8 or said Act, as amended, is hereby amended by striking the period at the end of subsection (a) and inserting a colon and the following: 'And provided further, That no mortgage shall be insured under this section after the effective date of the Housing Act of 1954, except pursuant to a commitment to insure issued on or before such date.'

"Amendments of title II of National Housing Act

"SEC. 104. Section 203 (b) (2) of said Act, as amended, is hereby amended to read as follows:

"'(2) Involve a principal obligation (including such initial service charges, appraisal, inspection, and other fees as the Commissioner shall approve) in an amount not to exceed \$20,000 in the case of property upon which there is located a dwelling designed principally (whether or not it may be intended to be rented temporarily for school purposes) for a one- or two-family residence; or \$27,500 in the case of a three-family residence; or \$35,000 in the case of a four-family residence; and not to exceed an amount equal to the sum of (i) 95 per centum (but, in any case where the dwelling is not approved for mortgage insurance prior to the beginning of construction, 90 per centum) of \$9,000 of the appraised value (as of the date the mortgage is accepted for insurance), and (ii) 75 per centum of such value in excess of \$9,000, except that the President may increase such dollar amounts up to not to exceed \$10,000 if, after taking into consideration the general effect of such higher dollar amounts upon conditions in the building industry and upon the national economy, he determines such action to be in the public interest: *Provided*, That if the mortgagor is not the occupant of the property the principal obligation of the mortgage shall not exceed an amount equal to 85 per centum of the amount computed under the foregoing provisions of this paragraph (2): *Provided further*, That the mortgagor shall have paid on account of the property at least 5 per centum (or such larger amount as the Commissioner may determine) of the Commissioner's estimate of the cost of acquisition in cash or its equivalent.'

"SEC. 105. Section 203 (b) (3) of said Act, as amended, is hereby amended to read as follows:

"'(3) Have a maturity satisfactory to the Commissioner, but not to exceed, in any event, thirty years from the date of the insurance of the mortgage or three-quarters of the Commissioner's estimate of the remaining economic life of the building improvements, whichever is the lesser.'

"SEC. 106. Section 203 (b) (5) of said Act, as amended, is hereby amended to read as follows:

"'(5) Bear interest (exclusive of premium charges for insurance, and service charges

if any) at not to exceed 5 per centum per annum on the amount of the principal obligation outstanding at any time, or not to exceed such per centum per annum not in excess of 6 per centum as the Commissioner finds necessary to meet the mortgage market.'

"SEC. 107. Section 203 (c) of said Act, as amended, is amended by striking out of the second sentence the word 'Provided' and inserting: 'Provided, That debentures presented in payment of premium charges shall represent obligations of the particular insurance fund to which such premium charges are to be credited: *Provided further*.'

"SEC. 108. Section 203 (d) of said Act, as amended, is hereby amended by striking the period at the end thereof and inserting a colon and the following: 'And provided further, That no mortgage shall be insured pursuant to this subsection after the effective date of the Housing Act of 1954, except pursuant to a commitment to insure issued on or before such date.'

"SEC. 109. Subsections (f) and (g) of section 203 of said Act, as amended, are hereby repealed.

"SEC. 110. Section 203 of said Act, as amended, is hereby further amended by adding the following new subsections at the end thereof:

"'(h) Notwithstanding any other provision of this section, the Commissioner is authorized to insure any mortgage which involves a principal obligation not in excess of \$7,000 and not in excess of 100 per centum of the appraised value of a property upon which there is located a dwelling designed principally for a single-family residence, where the mortgagor is the owner and occupant and establishes (to the satisfaction of the Commissioner) that his home which he occupied as an owner or as a tenant was destroyed or damaged to such an extent that reconstruction is required as a result of a flood, fire, hurricane, earthquake, storm, or other catastrophe which the President, pursuant to section 2 (a) of the Act entitled "An Act to authorize Federal assistance to States and local governments in major disasters and for other purposes" (Public Law 875, Eighty-first Congress, approved September 30, 1950), as amended, has determined to be a major disaster.

"'(i) Notwithstanding any other provision of this section, the Commissioner is authorized to insure any mortgage which involves a principal obligation not in excess of \$6,650 and not in excess of 95 per centum of the appraised value, as of the date the mortgage is accepted for insurance, of a property in an area where the Commissioner finds it is not practicable to obtain conformity with many of the requirements essential to the insurance of mortgages on housing in built-up urban areas, upon which there is located a dwelling designed principally for a single family residence, and which is approved for mortgage insurance prior to the beginning of construction: *Provided*, That (1) the mortgagor shall be the owner and occupant of the property at the time of insurance and shall have paid on account of the property at least 5 per centum of the Commissioner's estimate of the cost of acquisition in cash or its equivalent, or (2) the mortgagor shall be the owner and occupant of the property at the time of insurance, regardless of his credit standing, with whom a person or corporation having a credit standing satisfactory to the Commissioner, shall have entered into a written contract (a) to pay on behalf of the prospective owner and occupant all or part of the downpayment required by this paragraph agreeing to take as security a note from the latter bearing interest at the rate of not more than 4 per centum per annum, maturing after the last maturity date of principal due on the insured mortgage, with a right in the holder to accelerate maturity to a date following prepayment of the en-

12. TRAVEL; VEHICLES. The Government Operations Committee reported without amendment H. R. 179, to provide for payment of expenses of round trip transportation of Federal employees and their immediate families, but not household effects, from posts of duty outside the continental U. S. (S. Rept. 1944); and with amendments H. R. 8753, to authorize GSA to establish and operate motor vehicle pools and systems and to provide office furniture and furnishings when agencies are moved to new locations, to direct the GSA to report the unauthorized use of Government motor vehicles, and to authorize CSC to regulate operators of Government motor vehicles (S. Rept. 1941) (p. 10561).
13. REPORTS; PROPERTY; TAXATION. The Government Operations Committee ordered reported H. R. 6290, to discontinue various requirements for reports to Congress, etc., and H. R. 5605, to amend the Federal Property and Administrative Services Act to provide that transfers of real property from certain Government corporations to other Government agencies shall not operate to remove such real property from local tax rolls (p. D865).
Received from this Department a report on tort claims paid by USDA for the fiscal year 1954 (p. 10559).
14. PURCHASING; EMERGENCY POWERS; PERSONNEL; GOVERNMENT COMPETITION; BUDGETING. The Government Operations Committee indefinitely postponed further action on S. 1175, to extend title II of the First War Powers Act of 1941 (relative to Government contracting); S. 3142, to promote ethics in Government; S. 3547, to terminate or limit those activities of the Federal Government which are in competition with private enterprise, etc.; and S. 1006, to provide for a consolidated cash budget, yea and nay votes on amendments to appropriation measures, an item veto, etc. (p. D865).
Sen. Neely appealed to the President to protect "faithful public servants against the devastating White House-directed patronage drive" and inserted a newspaper article on this subject, "Drive for Patronage Seeds Added Jobs" (p. 10564).
15. MINERALS; PUBLIC LANDS. Senate conferees were appointed on S. 3344, to provide for multiple mineral development of the same tracts of the public lands (pp. 10598-601). House conferees have not yet been appointed.
16. SURPLUS COMMODITIES; FOREIGN AID. Sen. Humphrey urged the administration to "act speedily and hastily" to use surplus crops to aid the underprivileged peoples of the world, and to ship immediately butter, dried milk, wheat, and beans (p. 10564).
Sen. Wiley inserted a Nat'l Council of Baptist Women (Green Lake, Wis.) resolution endorsing action to release surplus food to voluntary agencies for shipment overseas (p. 10560).
17. PRICE SUPPORTS. Sen. Langer inserted a constituent's letter transmitting a petition signed by Halliday, N. Dak. businessmen favoring the enactment of legislation providing full parity for farmers (pp. 10559-60).
Sen. Langer inserted a N. Dak. Stockmen's Ass'n resolution opposing any form of direct Government support for cattle, favoring purchases on the beef buying program for school lunch programs, and suggesting "beef education" programs for USDA (p. 10560).
Sen. Wiley inserted a message from the Pure Milk Producers Cooperatives endorsing the Senate Agriculture Committee's version of the farm parity maintenance (p. 10563).

18. **LEGISLATIVE PROGRAM.** Sen. Knowland stated that after completion of the atomic energy bill the farm bill will be called up for discussion, to be followed by the foreign-aid authorization bill, the unemployment-compensation bill. He also stated that in all probability there would not be another call of the call of the calendar until completion of the farm bill and the foreign-aid bill (pp. 10629-30).
19. **SOCIAL SECURITY.** The Finance Committee ordered reported with amendments H. R. 9366, to provide for the expansion and improvement of the social security program. The "Daily Digest" states that the committee:
"Disapproved House provision extending coverage to employees of Federal instrumentalities who are not covered by another retirement system, and certain other specific groups, thereby retaining existing law. However, the committee approved a motion to stop the crediting of the same period of Federal service to more than one retirement system for any Federal employment." (pp. D864-5.)
20. **FARM PROGRAM.** Sen. Anderson submitted an amendment intended to be proposed by him to S. 3052, the farm program bill (p. 10561).
21. **ADMINISTRATIVE PROCEDURE.** The Judiciary Committee reported with amendment S. 17, to provide general rules of practice and procedure before Federal agencies (p. 10560).
22. **NOMINATION.** The Interior and Insular Affairs Committee reported the nomination of Mr. Clarence A. Davis to be Under Secretary of the Interior (p. 10565).
23. **ELECTRIFICATION.** Sen. Langer inserted a Rural Electric Cooperatives (Bismarck, N. D.) telegram favoring funds for the Bureau of Reclamation "as may be necessary to... have adequate mobile spare transformers located in our region" (p. 10559).
24. **RECLAMATION.** Sen. Bennett spoke in favor of the upper Colo. River reclamation project (p. 10562).

BILLS INTRODUCED

25. **COTTON.** H. R. 9954, by Rep. Abernethy, "to amend the U. S. Cotton Standards Act"; to Agriculture Committee (p. 10556).
H. R. 9963, by Rep. Abernethy, to amend the cotton marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended; to Agriculture Committee (p. 10556).
26. **FARM LOANS.** H. R. 9957, by Rep. Hope, relating to the financial structure of production credit associations; to Agriculture Committee (p. 10556).
27. **CCC CORN.** H. J. Res. 563, by Rep. Simpson, Ill., relating to sales of Commodity Credit Corporation corn; to Agriculture Committee (p. 10557).
28. **LAND TRANSFER.** H. J. Res. 564, by Rep. Riley, to release reversionary right to improvements on a 3-acre tract in Orangeburg County, S. C.; to Agriculture Committee (p. 10557).
29. **POULTRY.** H. Res. 647, by Rep. Price, for the study and investigation of health and sanitary conditions in the commercial slaughtering and processing of poultry; to Rules Committee (p. 10557).

hospital service as we have known it through the years.

Granted that the Indian hospital service has not been of the high character we would have liked to see, granted that it was not so complete or so well staffed with competent physicians as was to be desired, the fault did not rest on the Indian Service, but in the halls of Congress. Congress consistently failed to vote funds to bring the hospitals up to date and to staff them with proper medical officers.

In the amendment to the bill offered in the Senate by the Senator from Mississippi, a safeguard was provided against the unwise and wholesale liquidation of the Indian hospitals. Such hospitals are located in the backwoods of the country, where most of the Indians, particularly those of Oklahoma and of the Midwest, were driven as the white settlers came into the Territories and took over the lands which the Indians once owned in fee.

We are fearful that the present Indian hospitals, which have been looked upon as insufficient, as too small, and as not meeting modern hospital standards, will be looked upon with disfavor, and that we will see in a short time, under the Public Health Service, the discontinuance of the hospitals located where the Indians reside, far away from metropolitan areas. We are fearful that the Indians will be told that they can no longer have the 10-, 20-, or 50-bed hospitals which serve a tribe or a number of tribes at distances far removed from metropolitan areas, and that they must go to a metropolitan center, and be served in a teaching hospital which is more modern and proficient from a medical standpoint.

Those who urge that course may be correct in their analysis of the problem, and the medical service that would be provided in the metropolitan centers may be far better than that available in the small, remote hospitals, where the Indians have been receiving their hospitalization. It has been a difficult task through the years to get the Indians to forget their local tribal medicine man, or to abandon the primitive medication that old-time chiefs and others have devised, and to seek the medical service which has been offered in the Indian hospitals. The Indians will not go into metropolitan centers. They are afraid of them. They like to go to a place near home. They like to go where other members of the tribe have been, who can tell them they have been there and that the white man's medicine was genuinely healing medicine and they could safely trust the doctor in the small hospital located near their home.

We fear that the brand new fight with public health medicine will cut loose the advisory capacity of the Office of Indian Affairs, which has been consistently maintained up until very recent weeks. The bill does split off the medical service and turn it over to another agency, and leaves the Office of Indian Affairs with nothing whatever to say about the medical service, which is perhaps 50 percent of the task of maintaining the welfare of the Indians.

We find that all the tribes in Oklahoma vigorously oppose the bill. They are opposed to it because one by one they have seen the pledges and the promises made by the white man, as he has taken over their land for various purposes—pledges and promises to the Indians to be kept as long as fire burns and water runs—disappear, and the Indians are fearful that under the bill being passed today they will have none of the medical care that is provided now in the far off reaches of the States where Indians reside.

We have been having conferences with the medical authorities regarding this measure. We have received some verbal assurance that, in so far as possible within the limitations of appropriations and administrative difficulties, they will try to maintain in the local areas the same degree of medical service, and will not try to consolidate in one metropolitan location the services now being rendered in the far-off reaches where the Indians live. However, this measure does not contain any provision to carry out that assurance.

In the amendment submitted by the Senator from Mississippi there was a provision that such a change could not be made without tribal authority. However, that provision regarding the consent of the Indians has now been watered down; and once the bill becomes operative in 1955, the Indians' pleas or advice will not be considered, and they will be cast adrift, on the good mercy of the Public Health Service, for it to decide whether their traditional hospitals will be kept open or will be closed. If they are closed, the Indians will then have to seek such service elsewhere.

I agree with my distinguished colleague that the change will not save money. In fact, it will cost more money than the present plan costs. I fear the change will result in less medical service than the Indians are receiving today, and I believe that fewer and fewer Indians will avail themselves of the promises traditionally made to them in treaties, namely, that the white people will protect the best interests of the Indians.

Mr. President, for these reasons I still feel this measure is a bad one for the Indians and is a bad one for the taxpayers. I do not believe this measure will achieve the end results the sponsors of the bill urged as a reason for its passage.

I wish the Senate would send the bill to a further conference, and would insist upon the inclusion, verbatim, in the form in which the Senate passed it, of the amendment of the distinguished junior Senator from Mississippi [Mr. STENNIS]. That would at least give the Indians some protection from the loss of their present hospital facilities.

Mr. CASE. Mr. President, will the Senator from Utah yield for a question?

Mr. WATKINS. I yield.

Mr. CASE. I should like to ask the distinguished Senator from Utah, the chairman of the committee having charge of this measure, about a tubercular sanatorium known as the Sioux Sanatorium, at Rapid City, S. Dak. That sanatorium serves a number of tribes,

and provides facilities for the treatment of tuberculosis. Obviously, no individual tribe could be consulted regarding the continuation of that hospital; no particular tribe would be able to express the sentiment of all the other tribes.

In the opinion of the able Senator from Utah, would such a hospital be closed, under the operation of this measure?

Mr. WATKINS. I cannot say what the Public Health Service may do after the bill goes into effect, and beyond July 1, 1956. But my judgment is that the sanatorium would not be closed, provided, of course, it is serving a large number of persons and is really accomplishing the objectives for which it was instituted.

Mr. CASE. This hospital provides facilities for the treatment of tubercular patients among the Indians of 8 different reservations, with a population in excess of 30,000. So I trust that the assurance of the Senator from Utah will be effective, and will insure the maintenance and operation of the hospital as long as there are any patients who need it.

Mr. WATKINS. That is my judgment. Of course, I cannot speak for the Public Health Service.

Mr. STENNIS. Mr. President, will the Senator from Utah yield briefly to me?

Mr. WATKINS. I yield for a question.

Mr. STENNIS. First, Mr. President, I wish to thank the chairman of the committee for his consideration of the problem which was presented by the amendment I offered to the Senate, although the conference committee has left in the bill only a remnant of the amendment. Nevertheless, I know the chairman of the committee had some personal interest in the problem which was presented by means of the amendment, and again I wish to say that I regret that the final form of the amendment will not offer protection to the Choctaw Indians that the amendment as submitted would have offered.

I realize that this measure probably will become law; and again I wish to express the very strong hope that the group of Choctaw Indians at Philadelphia, Miss., and in the surrounding area, to which this hospital has meant so much, will continue to have the benefit of its very fine medical services, because unless those Indians do have access to a facility of this kind, they will not be inclined to go to other hospitals. They like to keep to themselves. A great number of them cannot speak English.

If this measure becomes law, I hope those charged with the responsibility will look with great favor and great generosity upon preserving the fine little hospital there, for the 3,000, 3,500, or 4,000 Choctaw Indians.

I thank the Senator from Utah.

Mr. WATKINS. Mr. President, I should like to observe that this measure was endorsed by practically all the medical associations of the United States interested in this problem; and the conferees were unanimous in their approval of the report.

Mr. President, I do not care to repeat the argument that previously was made

at considerable length. I now submit the matter.

The PRESIDING OFFICER. The question is on agreeing to the report.

The report was agreed to.

Mr. MONRONEY. Mr. President, I should like to have the RECORD show that both the senior Senator from Oklahoma [Mr. KERR] and the junior Senator from Oklahoma [Mr. MONRONEY] voted in opposition to approval of the conference report.

The PRESIDING OFFICER. The RECORD will so show.

ACCEPTANCE OF CONDITIONAL GIFTS TO FURTHER DEFENSE EFFORT

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3197) to authorize the acceptance of conditional gifts to further the defense effort, which was, on page 1, line 11, strike out "particular" and insert "particular."

Mr. KNOWLAND. Mr. President, I have taken up this matter with the acting minority leader. The Senate passed Senate bill 3197, to authorize the acceptance of conditional gifts to further the defense effort; but in the bill as passed by the Senate, there was a misspelling of the word "particular." The amendment of the House is only for the purpose of correcting the spelling of that one word.

Mr. President, I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

AMENDMENT OF MINERAL LEASING LAWS AND MINING LAWS RELATING TO MULTIPLE-MINERAL DEVELOPMENT

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3344) to amend the mineral leasing laws and the mining laws to provide for multiple-mineral development of the same tracts of the public lands, and for other purposes, which was, to strike out all after the enacting clause and insert:

That, (a) subject to the conditions and provisions of this act and to any valid intervening rights acquired under the laws of the United States, any mining claim located under the mining laws of the United States subsequent to July 31, 1939, and prior to February 10, 1954, on lands of the United States, which at the time of location were—

(1) included in a permit or lease issued under the mineral leasing laws; or

(2) covered by an application or offer for a permit or lease which had been filed under the mineral leasing laws; or

(3) known to be valuable for minerals subject to disposition under the mineral leasing laws,

shall be effective to the same extent in all respects as if such lands at the time of location, and at all times thereafter, had not been so included or covered or known: *Provided, however,* That, in order to be entitled to the benefits of this act, the owner of any such mining claim located prior to January 1, 1953, must have posted and filed for record, within the time allowed by the provisions of the act of August 12, 1953 (67 Stat. 539),

an amended notice of location as to such mining claim, stating that such notice was filed pursuant to the provisions of said act of August 12, 1953, and for the purpose of obtaining the benefits thereof: *And provided further,* That in order to obtain the benefits of this act, the owner of any such mining claim located subsequent to December 31, 1952, and prior to February 10, 1954, not later than 120 days after the date of enactment of this act, must post on such claim in the manner required for posting notice of location of mining claims and file for record in the office where the notice or certificate of location of such claim is of record an amended notice of location for such claim, stating that such notice is filed pursuant purpose of obtaining the benefits thereof and, within said 120-day period, if such owner shall have filed a uranium lease application as to the tract covered by such mining claim, must file with the Atomic Energy Commission a withdrawal of such uranium lease application or, if a uranium lease shall have issued pursuant thereto, a release of such lease, and must record a notice of the filing of such withdrawal or release in the county office wherein such notice or certificate of location shall have been filed for record.

(b) Labor performed or improvements made after the original location of and upon or for the benefit of any mining claim which shall be entitled to the benefits of this act under the provisions of subsection (a) of this section 1, shall be recognized as applicable to such mining claim for all purposes to the same extent as if the validity of such mining claim were in no respect dependent upon the provisions of this act.

(c) As to any land covered by any mining claim which is entitled to the benefits of this act under the provisions of subsection (a) of this section 1, any withdrawal or reservation of lands made after the original location of such mining claim is hereby modified and amended so that the effect thereof upon such mining claim shall be the same as if such mining claim had been located upon lands of the United States which, subsequent to July 31, 1939, and prior to the date of such withdrawal or reservation, were subject to location under the mining laws of the United States.

SEC. 2. (a) If any mining claim which shall have been located subsequent to December 31, 1952, and prior to December 11, 1953, and which shall be entitled to the benefits of this act, shall cover any lands embraced within any mining claim which shall have been located prior to January 1, 1953, and which shall be entitled to the benefits of this act, then as to such area of conflict said mining claim so located subsequent to December 31, 1952, shall be deemed to have been located December 11, 1953.

(b) If any mining claim hereafter located shall cover any lands embraced within any mining claim which shall have been located prior to February 10, 1954, and which shall be entitled to the benefits of this act, then as to such area of conflict said mining claim hereafter located shall be deemed to have been located 121 days after the enactment of this act.

SEC. 3. (a) Subject to the conditions and provisions of this act and to any valid prior rights acquired under the laws of the United States, the owner of any pending uranium lease application or of any uranium lease shall have, for a period of 120 days after the date of enactment of this act, as limited in subsection (b) of this section 3, the right to locate mining claims upon the lands covered by said application or lease.

(b) Any rights under any such mining claim so hereafter located pursuant to the provisions of subsection (a) of this section 3 shall be subject to any rights of the owner

of any mining claim which was located prior to February 10, 1954, and which was valid at the date of the enactment of this act or which may acquire validity under the provisions of this act. As to any lands covered by a uranium lease and also by a pending uranium lease application, the right of mining location under this section 3, as between the owner of said lease and the owner of said application, shall be deemed as to such conflict area to be vested in the owner of said lease. As to any lands embraced in more than one such pending uranium lease application, such right of mining location, as between the owners of such conflicting applications, shall be deemed to be vested in the owner of the prior application. Priority of such an application shall be determined by the time of posting on a tract then available for such leasing of a notice of lease application in accordance with paragraph (c) of the Atomic Energy Commission's Domestic Uranium Program Circular 7 (10 C. F. R. 60.7 (c)) provided there shall have been timely compliance with the other provisions of said paragraph (c) or, if there shall not have been such timely compliance, then by the time of the filing of the uranium lease application with the Atomic Energy Commission. Any rights under any mining claim located under the provisions of this section 3 shall terminate at the expiration of 30 days after the filing for record of the notice or certificate of location of such mining claim unless, within said 30-day period, the owner of the uranium lease application or uranium lease upon which the location of such mining claim was predicated shall have filed with the Atomic Energy Commission a withdrawal of said application or a release of said lease and shall have recorded a notice of the filing of such withdrawal or release in the county office wherein such notice or certificate of location shall be of record.

(c) Except as otherwise provided in subsections (a) and (b) of this section 3, no mining claim hereafter located shall be valid as to any lands which at the time of such location were covered by a uranium lease application or a uranium lease. Any tract upon which a notice of lease application has been posted in accordance with said paragraph (c) of said Circular 7 shall be deemed to have been included in a uranium lease application from and after the time of the posting of such notice of lease application: *Provided,* That there shall have been timely compliance with the other provisions of said paragraph (c) or, if there shall not have been such timely compliance, then from and after the time of the filing of a uranium lease application with the Atomic Energy Commission.

SEC. 4. Every mining claim or millsite hereafter located under the mining laws of the United States and every mining claim or millsite heretofore so located which shall be entitled to benefits under the first three sections of this act shall be subject to a reservation to the United States of all Leasing Act minerals and of the right (as limited in sec. 6 hereof) of the United States, its lessees, permittees, and licensees to enter upon the land covered by such mining claim or millsite and to prospect for, drill for, mine, treat, store, transport, and remove Leasing Act minerals and to use so much of the surface and subsurface of such mining claim or millsite as may be necessary for such purposes, and whenever reasonably necessary, for the purpose of prospecting for, drilling for, mining, treating, storing, transporting, and removing Leasing Act minerals on and from other lands; and any patent issued for any such mining claim or millsite and contain such reservation: *Provided, however,* That such reservation contained in the patent shall apply only to the lands included in said mining claim which, at the time of the issuance of such patent are—

(a) included in a permit or lease under the mineral leasing laws; or

(b) covered by an application or offer for a permit or lease filed under the mineral leasing laws; or

(c) known to be valuable for minerals subject to disposition under the mineral leasing laws.

SEC. 5. Subject to the conditions and provisions of this act, mining claims and mill-sites may hereafter be located under the mining laws of the United States on lands of the United States which at the time of location are—

(a) included in a permit or lease issued under the mineral leasing laws; or

(b) covered by an application or offer for a permit or lease filed under the mineral leasing laws; or

(c) known to be valuable for minerals subject to disposition under the mineral leasing laws;

to the same extent in all respects as if such lands were not so included or covered or known.

SEC. 6. (a) Where the same lands are being utilized for mining operations and Leasing Act operations, each of such operations shall be conducted, so far as reasonably practicable, in a manner compatible with such multiple use.

(b) Any mining operations pursuant to rights under any unpatented or patented mining claim or millsite which shall be subject to a reservation to the United States of Leasing Act minerals as provided in this act, shall be conducted, so far as reasonably practicable, in a manner which will avoid damage to any known deposit of any Leasing Act mineral. Subject to the provisions of subsection (d) of this section 6, mining operations shall be so conducted as not to endanger or materially interfere with any existing surface or underground improvements, workings, or facilities which may have been made for the purpose of Leasing Act operations, or with the utilization of such improvements, workings, or facilities.

(c) Any Leasing Act operations on lands covered by an unpatented or patented mining claim or millsite which shall be subject to a reservation to the United States of Leasing Act minerals as provided in this act, shall be conducted, so far as reasonably practicable, in a manner which will avoid damage to any known deposit of any mineral not so reserved from such mining claim or millsite. Subject to the provisions of subsection (d) of this section 6, Leasing Act operations shall be so conducted as not to endanger or materially interfere with any existing surface or underground improvements, workings, or facilities which may have been made for the purpose of mining operations, or with the utilization of such improvements, workings, or facilities.

(d) If, upon petition of either the mining operator or the Leasing Act operator, any court of competent jurisdiction shall find that a particular use in connection with one of such operations cannot be reasonably and properly conducted without endangering or materially interfering with the then existing improvements, workings, or facilities of the other of such operations or with the utilization thereof, and shall find that under the conditions and circumstances, as they then appear, the injury or damage which would result from denial of such particular use would outweigh the injury or damage which would result to such then existing improvements, workings, or facilities or from interference with the utilization thereof if that particular use were allowed, then in such event such court may permit such use upon payment (or upon furnishing of security determined by the court to be adequate to secure payment) to the party or parties who would be thus injured or damaged, of an amount to be fixed by the court as constituting fair compensation for the

then reasonably contemplated injury or damage which would result to such then existing improvements, workings, or facilities or from interference with the utilization thereof by reason of the allowance of such particular use.

(e) Where the same lands are being utilized for mining operations and Leasing Act operations, then upon request of the party conducting either of said operations, the party conducting the other of said operations shall furnish to and at the expense of such requesting party copies of any information which said other party may have, as to the situs of any improvements, workings, or facilities theretofore made upon such lands, and upon like request, shall permit such requesting party, at the risk of such requesting party, to have access at reasonable times to any such improvements, workings, or facilities for the purpose of surveying and checking or determining the situs thereof. If damage to or material interference with a party's improvements, workings, facilities, or with the utilization thereof shall result from such party's failure, after request, to so furnish to the requesting party such information or from denial of such access, such failure or denial shall relieve the requesting party of any liability for the damage or interference resulting by reason of such failure or denial. Failure of a party to furnish requested information or access shall not impose upon such party any liability to the requesting party other than for such costs of court and attorney's fees as may be allowed to the requesting party in enforcing by court action the obligations of this section as to the furnishing of information and access. The obligation hereunder of any party to furnish requested information shall be limited to map and survey information then available to such party with respect to the situs of improvements, workings, and facilities and the furnishing thereof shall not be deemed to constitute any representation as to the accuracy of such information.

SEC. 7. (a) Any applicant, offeror, permittee, or lessee under the mineral leasing laws may file in the office of the Secretary of the Interior, or in such office as the Secretary may designate, a request for publication of notice of such application, offer, permit, or lease, provided, expressly, that not less than 90 days prior to the filing of such request for publication there shall have been filed for record in the county Office of Record for the county in which the lands covered thereby are situate a notice of the filing of such application or offer or of the issuance of such permit or lease which notice shall set forth the date of such filing or issuance, the name and address of the applicant, offeror, permittee, or lessee and the description of the lands covered by such application, offer, permit, or lease, showing section or sections of land surveyed, or, if such lands are unsurveyed, the section or sections of land which would probably be involved when the public lands surveyed are extended to such lands, or a tie by courses and distances to an approved United States Mineral Monument. The filing of such request for publication shall be accompanied by a certified copy of such recorded notice and an affidavit or affidavits of a person or persons over 21 years of age setting forth that the affiant or affiants have examined the lands involved in a reasonable effort to ascertain whether any person or persons were in possession of or engaged in the working of such lands or any part thereof, and, if no person or persons were found to be in possession of or engaged in the working of said lands or any part thereof on the date of such examination, setting forth such fact, or, if any person or persons were so found to be in possession or engaged in such working on the date of such examination, setting forth the name and address of each such

person, unless affiant shall have been unable through reasonable inquiry to obtain information as to the name and address of any such person, in which event the affidavit shall set forth fully the nature and results of such inquiry.

Thereupon the Secretary of the Interior, or his designated representative, at the expense of the requesting person (who, prior to the commencement of publication, must furnish the agreement of the publisher to hold such requesting person alone responsible for charges of publication), shall cause notice of such application, offer, permit, or lease to be published in a newspaper having general circulation in the county in which the lands involved are situate.

Such notice shall describe the lands covered by such application, offer, permit, or lease, as provided heretofore in the notice to be filed in the office of record of the county in which the lands covered are situate, and shall notify whomever it may concern that if any person claiming or asserting under, or by virtue of, any unpatented mining claim, any right or interest in Leasing Act minerals as to such lands or any part thereof, shall fail to file in the office where such request for publication was filed (which office shall be specified in such notice) and within 150 days from the date of the first publication of such notice (which date shall be specified in such notice), a verified statement which shall set forth, as to such unpatented mining claim:

(1) The date of location;

(2) The book and page of recordation of the notice or certificate of location;

(3) The section or sections of the public land surveys which embrace such mining claim; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument;

(4) Whether such claimant is a locator or purchaser under such location; and

(5) The name and address of such claimant and names and addresses so far as known to the claimant of any other person or persons claiming any interest or interests in or under such unpatented mining claim;

such failure shall be conclusively deemed (i) to constitute a waiver and relinquishment by such mining claimant of any and all right, title, and interest under such mining claim as to, but only as to, Leasing Act minerals, and (ii) to constitute a consent by such mining claimant that such mining claim and any patent issued therefor, shall be subject to the reservation specified in section 4 of this act, and (iii) to preclude thereafter any assertion by such mining claimant of any right or title to or interest in any Leasing Act mineral by reason of such mining claim.

If such notice is published in a daily paper, it shall be published in the Wednesday issue for nine consecutive weeks, or, if in a weekly paper, in nine consecutive issues, or, if in a semiweekly or triweekly paper, in the issue of the same day of each week for nine consecutive weeks.

Within 15 days after the date of first publication of such notice, the person requesting such publication (1) shall cause a copy of such notice to be personally delivered to or to be sent by registered mail addressed to each person in possession or engaged in the working of the land whose name and address is shown by an affidavit filed as aforesaid, and to each person who may have filed, as to any lands described in said notice, a request for notices, as provided in subsection (d) of this section 7, and (2) shall file in the office where said request for publication was filed an affidavit showing that copies have been so delivered or mailed.

(b) If any claimant under any unpatented mining claim which embraces any of the

lands described in any notice published in accordance with the provisions of subsection (a) of this section 7 shall fail to file a verified statement, as above provided, within 150 days from the date of the first publication of such notice, such failure shall be conclusively deemed, except as otherwise provided in subsection (e) of this section 7, (i) to constitute a waiver and relinquishment by such mining claimant of any and all right, title, and interest under such mining claim as to, but only as to, Leasing Act minerals, and (ii) to constitute a consent by such mining claimant that such mining claim and any patent issued therefor, shall be subject to the reservation specified in section 4 of this act, and (iii) to preclude thereafter any assertion by such mining claimant of any right or title to or interest in any Leasing Act mineral by reason of such mining claim.

(c) If any verified statement shall be filed by a mining claimant as provided in subsection (a) of this section 7, then the Secretary of the Interior or his designated representative shall fix a time and place for a hearing to determine the validity and effectiveness of the mining claimant's asserted right or interest in Leasing Act minerals, which place of hearing shall be in the county where said interest or part of it is located, unless the mining claimant agrees otherwise. The procedures with respect to notice of such a hearing and the conduct thereof, and in respect to appeals shall follow the then established general procedures and rules of practice of the Department of the Interior in respect to contests or protests affecting public lands of the United States. If, pursuant to such a hearing the final decision rendered shall affirm the validity and effectiveness of any mining claim as to Leasing Act minerals then no subsequent proceeding under section 7 of this act shall have any force or effect upon any rights or interests under the said so affirmed mining claim. If at any time prior to a hearing the person requesting publication of notice and any person filing a verified statement pursuant to such notice shall so stipulate, then to the extent so stipulated, but only to such extent, no hearing shall be held with respect to rights asserted under that verified statement, and to the extent defined by the stipulation the rights asserted under that verified statement shall be deemed to be unaffected by that particular published notice.

(d) Any person claiming any right in Leasing Act minerals under or by virtue of any unpatented mining claim and desiring to receive a copy of any notice of any application, offer, permit, or lease which may be published as above provided in subsection (a) of this section 7 and which may affect lands embraced in such mining claim, may cause to be filed for record in the county office of record where the notice or certificate of location of such mining claim shall have been recorded, a duly acknowledged request for a copy of any such notice. Such request for copies shall set forth the name and address of the person requesting copies and shall also set forth, as to each mining claim under which such person asserts rights in Leasing Act minerals:

- (1) the date of location;
- (2) the book and page of the recordation of the notice or certificate of location; and
- (3) the section or sections of the public land surveys which embrace such mining claim; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument.

Other than in respect to the requirements of subsection (a) of this section 7 as to personal delivery or mailing of copies of no-

tices and in respect to the provisions of subsection (e) of this section 7, no such request for copies of published notices and no statement or allegation in such request and no recordation thereof shall affect title to any mining claim or to any land, or be deemed to constitute constructive notice to any person that the person requesting copies has, or claims, any right, title, or interest in or under mining claim referred to in such request.

(e) If any applicant, offeror, permittee, or lessee shall fail to comply with the requirements of subsection (a) of this section 7 as to the personal delivery or mailing of a copy of notice to any person, the publication of such notice shall be deemed wholly ineffectual as to that person or as to the rights asserted by that person and the failure of that person to file a verified statement, as provided in such notice, shall in no manner affect, diminish, prejudice, or bar any rights of that person.

SEC. 8. The owner or owners of any mining claim heretofore located may, at any time prior to issuance of patent therefor, waive and relinquish all rights thereunder to Leasing Act minerals. The execution and acknowledgment of such a waiver and relinquishment by such owner or owners and the recordation thereof in the office where the notice or certificate of location of such mining claim is of record shall render such mining claim thereafter subject to the reservation referred to in section 4 of this act and any patent issued therefor shall contain such a reservation, but no such waiver or relinquishment shall be deemed in any manner to constitute any concession as to the date of priority of rights under said mining claim or as to the validity thereof.

SEC. 9. The Atomic Energy Act is hereby amended as follows:

(a) Section 5 (b) (5) is revised to read:

(5) Acquisition: The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this act, to purchase, take, requisition, condemn, or otherwise acquire—

(A) supplies of source materials or any interest in real property containing deposits of source materials, and

(B) rights to enter upon any real property deemed by it to have possibilities of containing deposits of source materials and to conduct prospecting and exploratory operations for such deposits.

Any purchase made under this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and partial and advance payments may be made thereunder. The Commission may establish guaranteed prices for all source materials delivered to it within a specified time. Just compensation shall be made for any property or interest in property purchased, taken, requisitioned, condemned, or otherwise acquired under this paragraph.

(b) Section 5 (b) (6) is revised to read:

(6) Operations on lands belonging to the United States: The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this act, to issue leases or permits for prospecting for, exploration for, mining, or removal of deposits of source materials (or for any or all of these purposes) in lands belonging to the United States.

(c) Section 5 (b) (7) is revised to read:

"(7) Public lands: No individual, corporation, partnership, or association, which had any part, directly or indirectly, in the development of the atomic bomb project, may benefit by any location, entry, or settlement upon the public domain made after such individual, corporation, partnership, or asso-

ciation took part in such project, if such individual, corporation, partnership, or association, by reason of having had such part in the development of the atomic bomb project, acquired confidential official information as to the existence of deposits of such as uranium, thorium, or other materials in the specific lands upon which such location, entry, or settlement is made, and subsequent to the date of the enactment of this act made such location, entry, or settlement or caused the same to be made for his, or its, or their benefit. In cases where any patent, conveyance, lease, permit, or other authorization has been issued, which reserved to the United States source materials and the right to enter upon the land and prospect for, mine, and remove the same, the head of the department or agency which issued the patent, conveyance, lease, permit, or other authorization shall, on application of the holder thereof, issue a new or supplemental patent, conveyance, lease, permit, or other authorization without such reservation."

(d) Notwithstanding the provisions of the Atomic Energy Act, and particularly section 5 (b) 7 thereof, prior to its amendment hereby, or the provisions of the act of August 12, 1953 (67 Stat. 539), and particularly section 3 thereof, any mining claim, heretofore located under the mining laws of the United States, for, or based upon a discovery of a mineral deposit which is a fissionable source material and which, except for the possible contrary construction of said Atomic Energy Act, would have been locatable under such mining laws, shall, insofar as adversely affected by such possible contrary construction, be valid and effective, in all respects to the same extent as if said mineral deposit were a locatable mineral deposit other than a fissionable source material.

SEC. 10. As used in this act "mineral-leasing laws" shall mean the act of October 20, 1914 (38 Stat. 741); the act of February 25, 1920 (41 Stat. 437); the act of April 17, 1926 (44 Stat. 301); the act of February 7, 1927 (44 Stat. 1057); and all acts heretofore or hereafter enacted which are amendatory of or supplementary to any of the foregoing acts; leasing act minerals shall mean all minerals which, upon the effective date of this act, are provided in the mineral-leasing laws to be disposed of thereunder; leasing act operations shall mean operations conducted under a lease, permit, or license issued under the mineral-leasing laws in or incidental to prospecting for, drilling for, mining, treating, storing, transporting, or removing leasing-act minerals; mining operations shall mean operations under any unpatented or patented mining claim or millsite in or incidental to prospecting for, mining, treating, storing, transporting, or removing minerals other than leasing-act minerals and any other use under any claim of right or title based upon such mining claim or millsite; leasing-act operator shall mean any party who shall conduct leasing-act operations; mining operator shall mean any party who shall conduct mining operations; Atomic Energy Act shall mean the act of August 1, 1946 (60 Stat. 755), as amended; Atomic Energy Commission shall mean the United States Atomic Energy Commission established under the Atomic Energy Act or any amendments thereof; fissionable source material shall mean uranium, thorium, and all other materials referred to in section 5 (b) (1) of the Atomic Energy Act as reserved or to be reserved to the United States; uranium lease application shall mean an application for a uranium lease filed with said Commission with respect to lands which would be open for entry under the mining laws except for their being lands embraced within an offer, application, permit, or lease under the mineral-leasing laws or lands

known to be valuable for minerals leasable under those laws; uranium lease shall mean a uranium-mining lease issued by said Commission with respect to any such lands; and person shall mean any individual, corporation, partnership, or other legal entity.

SEC. 11. If any provision of this act, or the application of such provision to any person or circumstances, is held unconstitutional, invalid, or unenforceable, the remainder of this act or the application of such provision to persons or circumstances other than laws to which it is held unconstitutional, invalid, or unenforceable, shall not be affected thereby.

Mr. CORDON. I move that the Senate disagree to the amendment of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the presiding officer appointed Mr. MILLIKIN, Mr. WATKINS, Mr. BARRETT, Mr. MURRAY, and Mr. ANDERSON conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, its reading clerk, announced that the House had passed, without amendment, the following bills of the Senate:

- S. 95. An act for the relief of Mrs. Donka Kourteva Dikova (Dikoff) and her son Nicola Marin Dikoff;
- S. 98. An act for the relief of (Mrs.) Betty Thornton or Jozsefne Toth;
- S. 102. An act for the relief of Francesco Craccholo;
- S. 110. An act for the relief of Christopher F. Jako;
- S. 203. An act for the relief of Yvonne Linnea Colcord;
- S. 222. An act for the relief of Mrs. Dean S. Roberts (nee Braun);
- S. 246. An act for the relief of Gerrit Been;
- S. 267. An act for the relief of Pantelis Morfessis;
- S. 278. An act for the relief of Szyga (Saul) Morgenstern;
- S. 308. An act for the relief of Filolaos Tsolakis and his wife, Vassiliki Tsolakis;
- S. 496. An act for the relief of Doctor Samson Sol Flores and his wife, the former Cecilia T. Tolentino;
- S. 552. An act for the relief of Anna Urwicz;
- S. 587. An act for the relief of Carlos Fortich, Jr.;
- S. 661. An act for the relief of Nino Sabino Di Michele;
- S. 790. An act for the relief of Irene J. Halkis;
- S. 794. An act for the relief of Paulus Youhanna Benjamin;
- S. 795. An act for the relief of Josef Radziwill;
- S. 830. An act for the relief of Samuel, Agnes, and Sonya Lieberman;
- S. 841. An act for the relief of Dionysio Antypas;
- S. 843. An act for the relief of Rabbi Eugene Feigelstock;
- S. 855. An act for the relief of Kirill Mikhailovich Alexeev, Antonina Ivanovna Alexeev, and minor children Victoria and Vladimir Alexeev;
- S. 891. An act for the relief of Albina Sicas;
- S. 912. An act for the relief of Bruno Ewald Paul and Margit Paul;
- S. 915. An act for the relief of Augusta Bleys (also known as Augustina Bleys);

S. 917. An act for the relief of Stefan Burda, Anna Burda, and Nikolai Burda;

S. 937. An act for the relief of Virginia Grande;

S. 945. An act for the relief of Moshe Gips;

S. 986. An act for the relief of Mrs. Ishi Washburn;

S. 1129. An act for the relief of Jozo Mandlic;

S. 1267. An act for the relief of Irene Kramer and Otto Kramer;

S. 1313. An act for the relief of Olga Balabanov and Nicola Balabanov;

S. 1362. An act for the relief of Rev. Ishai Ben Asher;

S. 1477. An act for the relief of Gerhard Nicklaus;

S. 1490. An act for the relief of David Maisel (David Majzel) and Bertha Maisel (Berta Pieschansky Majzel);

S. 1841. An act for the relief of Carlo (Adlutore) D'Amico;

S. 1850. An act for the relief of Dr. John D. MacLennan;

S. 1860. An act for the relief of Amalia Sandrovic;

S. 1954. An act for the relief of Anthony N. Goraleb;

S. 2009. An act for the relief of Mrs. Edward E. Jex;

S. 2036. An act for the relief of Joseph Robin Groninger;

S. 2065. An act for the relief of Mr. and Mrs. Hendrik Van der Tuin;

S. 2677. An act for the relief of Michio Yamamoto;

S. 2820. An act for the relief of Mrs. Erika Gisela Osteraa; and

S. 2960. An act for the relief of Barbara Herta Geschwandtner.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5185) for the relief of Klyce Motors, Inc.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 7839) to aid in the provision and improvement of housing, the elimination and prevention of slums, and the conservation and development of urban communities.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

S. 1381. An act to amend the Agricultural Act of 1949;

S. 2367. An act to amend the act of June 29, 1935 (the Bankhead-Jones Act), as amended, to strengthen the conduct of research of the Department of Agriculture;

S. 2583. An act to indemnify against loss all persons whose swine were destroyed in July 1952 as a result of having been infected with or exposed to the contagious disease vesicular exanthema;

S. 2766. An act to amend section 7 (d) of the Internal Security Act of 1950, as amended;

S. 2786. An act granting the consent and approval of Congress to the southeastern interstate forest fire protection compact;

S. 3561. An act authorizing the Administrator of Veterans' Affairs to convey certain property to the Armory Board, State of Utah;

S. 3630. An act to permit the city of Philadelphia to further develop the Hog Island tract as an air, rail, and marine terminal by directing the Secretary of Commerce to release the city of Philadelphia from the fulfillment of certain conditions contained in the existing deed which restrict further development;

H. R. 130. An act to amend section 1 of the act approved June 27, 1947 (61 Stat. 189);

H. R. 5185. An act for the relief of Klyce Motors, Inc.;

H. R. 6786. An act authorizing the Secretary of the Interior to purchase improvements or pay damages for removal of improvements located on public lands of the United States in the Palisades project area, Palisades reclamation project, Idaho;

H. R. 8983. An act to provide for the conveyance of certain lands by the United States to the city of Muskogee, Okla.;

H. R. 9005. An act to continue the effectiveness of the act of July 17, 1953 (67 Stat. 177); and

S. J. Res. 96. Joint resolution to strengthen the foreign relations of the United States by establishing a Commission on Governmental Use of International Telecommunications.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, July 20, 1954, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 1381. An act to amend the Agricultural Act of 1949;

S. 2367. An act to amend the act of June 29, 1935 (the Bankhead-Jones Act), as amended, to strengthen the conduct of research of the Department of Agriculture;

S. 2583. An act to indemnify against loss all persons whose swine were destroyed in July 1952 as a result of having been infected with or exposed to the contagious disease vesicular exanthema;

S. 2766. An act to amend section 7 (d) of the Internal Security Act of 1950, as amended;

S. 2786. An act granting the consent and approval of Congress to the southeastern interstate forest fire protection compact;

S. 3561. An act authorizing the Administrator of Veterans' Affairs to convey certain property to the Armory Board, State of Utah;

S. 3630. An act to permit the city of Philadelphia to further develop the Hog Island tract as an air, rail, and marine terminal by directing the Secretary of Commerce to release the city of Philadelphia from the fulfillment of certain conditions contained in the existing deed which restrict further development; and

S. J. Res. 96. Joint resolution to strengthen the foreign relations of the United States by establishing a Commission on Governmental Use of International Telecommunications.

REVISION OF THE ATOMIC ENERGY ACT OF 1946

The Senate resumed the consideration of the bill (S. 3690) to amend the Atomic Energy Act of 1946, as amended, and for other purposes.

Mr. HILL. Mr. President, those of us who were privileged to hear the speech of the distinguished Senator from Mississippi [Mr. STENNIS] know how powerfully he presented the argument that under existing law or under section 164 as written into the bill reported by the Joint Committee on Atomic Energy the Atomic Energy Commission would not

have authority to enter into the Dixon-Yates proposed contract. The speech of the Senator from Mississippi was one of the most powerful and able I have heard since I first became a Member of this body. We know that other Senators, including the Senator from Kentucky [Mr. COOPER] in his very fine and challenging address, the Senator from Oklahoma [Mr. MONRONEY], in his very strong and able address, and the distinguished junior Senator from Tennessee [Mr. GORE], in his brilliant and devastating speech yesterday, drove home again and again the proposition that there was and is no authority in the Atomic Energy Commission to enter into the proposed Dixon-Yates contract. That fact has become so crystal clear that the distinguished Senator from Michigan [Mr. FERGUSON] has offered his amendment in order to try to put into the law the authority for the Atomic Energy Commission to enter into the Dixon-Yates contract.

However, the amendment of the distinguished Senator from Michigan goes much further than the Dixon-Yates proposal. It will be recalled that the Dixon-Yates proposal is to make a contract for some 600,000 kilowatts of power, whereas the Ferguson amendment seeks to authorize the Atomic Energy Commission to enter into a contract or contracts for power in the amount the Atomic Energy Commission is now receiving, or has a contract to receive, from the Tennessee Valley Authority. That amount of power is not 600,000 kilowatts, but some 3 million kilowatts of power.

So the Ferguson amendment is five times as bad as the Dixon-Yates proposal. It would open the door wide for the Atomic Energy Commission to become a broker for the Tennessee Valley Authority, for the purchase of power again and again and again, up to what would now be some 3 million kilowatts of power.

And, of course, if in the future the Atomic Energy Commission should purchase additional power from the Tennessee Valley Authority, then under the Ferguson amendment, the Atomic Energy Commission would be authorized to make a contract along the lines of the Dixon-Yates proposal, for an amount equal to the additional amount of power which the Atomic Energy Commission might purchase from the Tennessee Valley Authority.

No one can tell just how wide the Ferguson amendment would open the door for the prostitution of this most delicate, vital agency of the Government, the Atomic Energy Commission.

The substitute amendment offered by the distinguished junior Senator from North Carolina [Mr. ERVIN] adopts in toto the provisions of the Ferguson amendment and then goes a step further, as I understand the amendment. There has been no opportunity to analyze the amendment of the Senator from North Carolina carefully, or to give it serious consideration. However, as I understand the amendment, in addition to adopting all the evils of the Ferguson amendment, it provides that a contract entered into for power under the Fergu-

son amendment shall be sent to the Joint Committee on Atomic Energy for a period not to exceed 30 days. It makes no provision for any check on a contract by the Joint Committee on Atomic Energy. It makes no provision for veto power in the Joint Committee on Atomic Energy, so far as any contract is concerned. The contract would lie there for 30 days, unless the Joint Committee on Atomic Energy should advise the Atomic Energy Commission that it did not desire to have it lie there for 30 days. At the end of the 30-day period the contract would become effective.

So there is no check; there is no power of veto; there is no authority under this amendment for the Joint Committee on Atomic Energy to say, "That contract cannot be entered into," or "That contract must be modified, changed, or amended." In fact, so far as the Dixon-Yates proposal is concerned, although that contract has never been presented in all its details, the proposal itself has been before the Joint Committee on Atomic Energy. The fact is that the Joint Committee on Atomic Energy had 2 days of hearings on the proposal. The committee devoted June 17 and 18 to the hearing of witnesses and the taking of testimony on the Dixon-Yates proposal. The proposal that the Joint Committee on Atomic Energy shall have these contracts presented to it, means nothing; and, so far as the Dixon-Yates proposal is concerned, it is nothing more nor less than a moot question. The Joint Committee on Atomic Energy has had that proposal before it. The joint committee did not see fit to take any action in any way or to advise the Atomic Energy Commission that it thought the contract ought not to be made, or that it should be modified, amended, or changed in some respects. The fact that the Joint Committee on Atomic Energy reported the pending legislation and that it carries section 164 might well be construed as being, on the part of the majority of that committee, a green light for the Atomic Energy Commission to proceed with the making of this contract.

Mr. GORE. Mr. President, will the Senator yield?

Mr. HILL. I yield to my friend from Tennessee.

Mr. GORE. I have before me the amendment offered by the junior Senator from North Carolina. I must say that as I interpret it, it does not comport with the explanation given to the Senate by the junior Senator from North Carolina. I should like to read to the Senator one sentence, exclusive of the parenthetical sentence contained therein:

Any contract hereafter entered into by the Commission pursuant to this section shall be submitted to the joint committee, and a period of 30 days shall elapse while Congress is in session, before the contract of the Commission shall become effective.

There is a parenthetical sentence injected within that sentence, which reads as follows:

(In computing such 30 days, there shall be excluded the days in which either House is not in session because of adjournment for more than 30 days.)

Mr. President, the question which I should like to raise with the senior Senator from Alabama is just how the Atomic Energy Commission would act when Congress was in sine die adjournment.

Mr. HILL. I will say to my distinguished friend from Tennessee, as I said in the beginning, that the amendment has just been offered. There has been no opportunity afforded to examine it or to carefully consider it. I suppose, although I do not know, that the provision about waiving the time refers to any time when the joint committee may wish to waive the time when Congress is not in session. I do not know, but I think it may be implied, that perhaps that provision was put in the amendment with the thought in mind that Congress may not always be in session—which of course is true—and if Congress should not be in session, the committee could waive the time.

Mr. GORE. Mr. President, will the Senator yield?

Mr. HILL. I yield to my distinguished friend from Tennessee.

Mr. GORE. As I interpret the language—and I wish to suggest to the Senator from Alabama that I, too, have only now had an opportunity to see the text—it means that in the event the Commission entered into a contract after Congress had adjourned, no action could be taken on the contract until Congress met in January, and then the 30-day period spelled out herein would begin to operate.

Mr. HILL. From what the distinguished junior Senator from North Carolina [Mr. ERVIN] said about his amendment, I think the construction of the Senator from Tennessee is correct. There is a further modification which I wish the Senator from Tennessee would read. It relates to the waiving of the time. That might throw some light on the subject. From what the distinguished junior Senator from North Carolina said about the amendment, I made the interpretation that the distinguished Senator from Tennessee has made. However, there is a further provision about waiving the time. The question is whether the provision with reference to waiving the time could be operative if Congress were not in session, after it had adjourned sine die.

Mr. GORE. I shall read that proviso. It reads:

Provided, however, That the joint committee, after having received the proposed contract, may by resolution in writing, waive the conditions of or all or any portion of such 30-day period.

Mr. HILL. Does the Senator believe there would have to be a formal meeting of the joint committee?

Mr. GORE. If the committee had a meeting for that purpose.

Mr. HILL. It would have to have a formal meeting. I notice the words "in writing."

Mr. GORE. It says "by resolution."

Mr. HILL. By resolution. Would the Senator construe that to mean that there would have to be a resolution in writing, and that there would have to be a formal meeting of the committee, in

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

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For actions of July 21, 1954
83rd-2nd, No. 137

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HIGHLIGHTS: House agreed to debate bill to increase CCC borrowing authority. House agreed to debate omnibus flood control bill. House Rules Committee cleared water-facilities loans bill. House defeated bill to increase postal pay and rates. Conferees agreed on tax revision bill.

HOUSE

1. CCC BORROWING POWER. Agreed to a resolution for consideration of H. R. 9756, to increase the borrowing power of CCC by \$1 $\frac{1}{2}$ billion additional (pp. 10683-4).
2. FLOOD CONTROL. Agreed to a resolution for consideration of H. R. 9859, the omnibus flood control bill, which includes a \$20,000,000 authorization for this Department (p. 10682).
3. EXPORT-IMPORT BANK. Agreed to a resolution for consideration of S. 3589, to provide for independent management of the Export-Import Bank (pp. 10684-5).
4. WATER FACILITIES LOANS. The Rules Committee reported a resolution for consideration of S. 3137, to liberalize the Water Facilities Act (p. 10696).
5. GOVERNMENT COMPETITION. The Government Operations Committee reported with amendment H. R. 9835, to provide for termination of Government operations which are in competition with private enterprise (H. Rept. 2441)(p. 10696).
6. POSTAL RATES AND PAY. By a vote of 228 to 171, rejected a motion to suspend the rules and pass H. R. 9245, to increase postal rates and the pay of postal

employees (pp. 10654-71). (Although a majority voted in favor of the bill, a two-thirds majority was necessary, because the bill was brought up under a motion to suspend the rules instead of being first cleared with the Rules Committee.)

It was announced that a sufficient number of signatures have been obtained on a motion to discharge the Rules Committee from further consideration of a bill to increase postal pay by a larger amount than provided in H. R. 9245 and to make no change in postal rates (pp. 10694-5).

7. EDUCATION. Passed without amendment, 399-0, H. R. 9888, extending the time for initiating training under the Korean GI bill of rights for 1 year (pp. 10637-42).

Agreed to the conference reports on H. R. 9040, to authorize cooperative research in education, and H. R. 7434, to establish a National Advisory Committee on Education (p. 10678). These bills will now be sent to the President.

8. PUBLIC LANDS; MINERALS. Passed without amendment S. 2380 and S. 2381, to amend the Mineral Leasing Act in order to promote development of oil and gas on the public domain (p. 10674).

House conferees were appointed on S. 3344, to provide for multiple mineral development of the same tracts of public lands (p. 10676). Senate conferees have been appointed.

9. FORESTRY. Requested the Senate to return H. R. 6393, approving a forest fire compact, for correction of the bill number (p. 10637).

10. RECLAMATION. Agreed to the conference report on H. R. 4854, to authorize the Foster Creek division, Wash. (p. 10676). This bill will now be sent to the President.

The Rules Committee reported a resolution for consideration of H. R. 8384, to authorize the Talent division, Oreg. (p. 10695).

11. LAND TRANSFER. The Agriculture Committee reported with amendment H. J. Res. 550, to release reversionary rights to a tract of former FHA land in Kern County, Calif. (H. Rept. 2428)(p. 10695).

12. PATENTS. The Rules Committee reported a resolution for consideration of H. R. 3534, to authorize extension of patents in certain situations (pp. 10695-6).

SENATE

13. PROPERTY; TAXATION; REPORTS. The Government Operations Committee reported with amendments H. R. 5605, to amend the Federal Property and Administrative Services Act to provide that transfers of real property from certain Government corporations to other Government agencies shall not operate to remove such property from local tax rolls (S. Rept. 1966); and H. R. 6290, to discontinue various requirements for reports to Congress, etc. (S. Rept. 1968)(p. 10700).

14. ATOMIC ENERGY. Continued debate on S. 3690, to amend the Atomic Energy Act (pp. 10707, 10715-55, 10758-88).

Agreed to a modified Ferguson amendment providing that authority of AEC to enter into contracts or modify or confirm existing contracts for electric power includes, in case such service is to be furnished to AEC by TVA, authority to contract with any person to furnish such power to TVA in replacement thereof, and requiring any contract hereafter entered into by AEC to be submitted to the Joint Committee on Atomic Energy 30 days before becoming effective. Agreed, 56-35, to Sen. Knowland's motion to lay on the table a motion to reconsider this vote. (pp. 10771-2.)

FEDERAL AID FOR SUPPORT OF DISABLED SOLDIERS, SAILORS, AND AIRMEN OF THE UNITED STATES

Mrs. ROGERS of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 8180) to increase the amount of Federal aid to State or Territorial homes for the support of disabled soldiers, sailors, and airmen of the United States.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to provide aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States," approved August 27, 1888, as amended (U. S. C. 1946 edition, title 24, sec. 134), is amended by striking out in the first paragraph thereof "\$500 per annum from the effective date of this amendment through June 30, 1956, and \$300 per annum thereafter" and inserting in lieu thereof "\$700 per annum from the effective date of this amendment."

SEC. 2. The amendment made by this act shall apply to payments with respect to the care given to disabled soldiers, sailors, and airmen on and after the first day of the month next following the month during which this act is enacted: *Provided*, That said payments shall be made regardless of whether said veteran may be receiving domiciliary care or hospitalization in said home and the appropriations of the Veterans' Administration for medical, hospital, and domiciliary care shall be available for this purpose: *Provided further*, That no such payment to a State or Territory shall be made until the Administrator of Veterans' Affairs determines that the veteran, on whose account such payment is requested, is eligible for such care in a Veterans' Administration facility, and after such determination of eligibility such payment shall be made covering the period of eligibility from the date such care commenced, except that no such payment shall be made effective prior to the date of receipt by the Veterans' Administration of an appropriate request for determination of eligibility in the case of any eligible veteran with respect to whom such request is not received within 10 days following the date such care commenced.

Mrs. ROGERS of Massachusetts. The purpose of this bill is to increase from \$500 to \$700 a year the Federal aid to States for the support of veterans domiciled or hospitalized in State homes who are eligible for such care in Veterans' Administration hospitals or domiciliaries.

At the present time the rate is \$500 per year and is restricted to June 30, 1956. This bill would increase the rate to \$700 a year and make this latter rate permanent.

It should be pointed out, however, that no contribution shall exceed half of the cost to the States, or a maximum of \$700. Thus if the maximum cost in one State is \$1,000, the total amount which the Veterans' Administration would pay would be \$500.

This legislation has a long and honorable history. The first contribution was authorized by the act of August 27, 1888. The program has always worked well, and I am sure that the enactment of this proposal will provide another step forward in this program.

A total of 31 State homes in 27 States now receive contributions from the Veterans' Administration for veterans who are hospitalized there.

I ask to insert at this point a list of the homes now in operation throughout the country and other pertinent data which has been supplied to the committee.

Hearings were held on this bill on March 2 and it was unanimously reported by the committee.

On the item of cost, the Veterans' Administration estimates that it will cost approximately \$6,090,000 for the fiscal year 1955.

The gentleman from New York, General KEARNEY, the able chairman of the Subcommittee on Hospitals, has been most helpful in this matter and I wish to express my appreciation to him.

I hope, Mr. Speaker, that this matter may be speedily enacted into law.

The SPEAKER. Is a second demanded?

Mr. MATTHEWS. Mr. Speaker, there is no second demanded on this bill. The minority party unanimously favors the passage of this bill.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NATIONAL DEFENSE RESERVE OF TANKERS

Mr. TOLLEFSON submitted the following conference report and statement on the bill (S. 2408) to amend the Merchant Marine Act, 1936, to provide a national defense reserve of tankers and to promote the construction of new tankers, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 2431)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2408) to amend the Merchant Marine Act, 1936, to provide a national defense reserve of tankers and to promote the construction of new tankers, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to same with an amendment as follows:

After the words "The Secretary of Commerce is authorized to pay the cost of national defense features incorporated in any such new tanker" strike out the words "and which are not used by the owner or operator."

And the House agree to the same.

THOR C. TOLLEFSON,
JOHN J. ALLEN, Jr.,
HORACE SEELY-BROWN, Jr.,
HERBERT C. BONNER,
JOHN F. SHELLEY,

Managers on the Part of the House.

JOHN M. BUTLER,
CHARLES E. POTTER,
FREDERICK G. PAYNE,
WARREN G. MAGNUSON,
GEORGE A. SMATHERS,

Managers on the Part of the Senate.

STATEMENT

S. 2408, as passed by the Senate, in effect reduced the minimum age of vessels eligible

for trade-in, in the case of tankers, from 12 years as provided under section 510 of the Merchant Marine Act, 1936, as amended, to 10 years. A number of restrictive provisions with respect to the traded-in vessels were inserted into the bill as amended by the House. The tankers must be in class with respect to hull and machinery, the trade-in allowance where originally acquired from the Government under the provisions of the Merchant Ship Sales Act, 1946, is limited to the depreciated sales price under that act, plus the depreciated cost of betterments. Further, the amount of credit to be allowed by the Secretary of Commerce cannot exceed the price paid for the tanker by the owner, plus the value of capitalized betterments. If the tanker is used by the owner subsequent to the date of contract for the construction of a new vessel, the credit is reduced by the amount of depreciation on the old tanker during the period of such use.

The Senate recedes from its disagreement to the amendment of the House and agrees to the same, except with respect to that part of the amendment regarding payment for the cost of national defense features which are used by the owner or operator. The bill as passed by the Senate provided for payment of the cost of national defense features by the Secretary of Commerce. To this provision, the House added the requirement that such payment would be made only where such features are not used by the owner or operator. It was agreed that the phrase, "and which are not used by the owner or operator", with respect to the defense features, be stricken out and the House agrees to the same.

The only national defense feature expected to be included in the new tankers is a speed requirement of 18 knots. In some cases, operators are presently building tankers of this speed for their own account, and there is a definite trend in the trade toward increased speed. It is the view of the conference committee that the costs of the increased speed features should be adjusted contractually, and that the Secretary of Commerce should exercise extreme care in the preparation of contracts with applicants under this bill to insure that the national defense requirements for speed do not become a form of subsidy.

THOR C. TOLLEFSON,
JOHN J. ALLEN, Jr.,
HORACE SEELY-BROWN, Jr.,
HERBERT C. BONNER,
JOHN F. SHELLEY,

Managers on the Part of the House.

AUTHORIZING SECRETARY OF COMMERCE TO SELL CERTAIN WAR-BUILT PASSENGER-CARGO VESSELS

Mr. TOLLEFSON. Mr. Speaker, I call up the conference report on the joint resolution (H. J. Res. 534) to authorize the Secretary of Commerce to sell certain war-built passenger-cargo vessels, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 20, 1954.)

The conference report was agreed to, and a motion to reconsider was laid on the table.

HOSPITAL AND HEALTH FACILITIES FOR INDIANS

Mr. MILLER of Nebraska submitted the following conference report and statement on the bill (H. R. 303) to transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 2430)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 303) to transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 3, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the matter inserted by the Senate, insert the following: Page 2, line 2, after "Welfare" insert: "Provided, That hospitals now in operation for a specific tribe or tribes of Indians shall not be closed prior to July 1, 1956, without the consent of the governing body of the tribe or its organized council"; and the Senate agree to the same.

WESLEY A. D'EWART,
E. Y. BERRY,
JACK WESTLAND,
WAYNE N. ASPINALL,
JAMES A. HALEY,

Managers on the Part of the House.

ARTHUR V. WATKINS,
HENRY C. DWORSHAK,
THOMAS H. KUCHEL,
CLINTON P. ANDERSON,
ALTON LENNON,

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 303) to transfer the maintenance and operation of hospital and health facilities for Indians to the Public Health Service, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

Amendment No. 1 is technical in nature and would make clear that all authority now vested in the Department of the Interior and its administrative officials, as well as all functions, responsibilities, and duties relating to the maintenance and operation of hospital and health facilities for Indians, and the conservation of the health of the Indians, will be transferred by this act.

Amendment No. 2 would operate to bar closure prior to July 1, 1956, of hospitals in operation on the effective date of the act, without the consent of the governing body of the tribe or its organized council. Public Health Service representatives have consistently indicated their unwillingness to close any existing hospital unless and until convinced by that agency's own analysis of the situation that closure of a particular facility is deemed desirable in order to better meet the health needs of the Indians through an alternative plan of providing service.

The amendment would establish a period of almost 2 years to permit Public Health representatives to analyze the present situation, fully consult with tribal authorities and governmental representatives of the area affected, and thereafter arrive at administrative decisions relative to expansion, closure, or consolidation of existing facilities.

Amendment No. 3 would make July 1, 1955, the effective date of the act, to coincide with the fiscal year end, and to permit the two Departments primarily affected sufficient time to ready for transfer.

WESLEY A. D'EWART,
E. Y. BERRY,
JACK WESTLAND,
WAYNE N. ASPINALL,
JAMES A. HALEY,

Managers on the Part of the House.

FOSTER CREEK DIVISION, CHIEF JOSEPH DAM PROJECT, WASHINGTON

Mr. MILLER of Nebraska. Mr. Speaker, I call up the conference report on the bill (H. R. 4854) to authorize the Secretary of the Interior to construct, operate, and maintain the irrigation works comprising the Foster Creek Division of the Chief Joseph Dam project, Washington, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 19, 1954.)

The conference report was agreed to, and a motion to reconsider was laid on the table.

MULTIPLE MINERAL DEVELOPMENT

Mr. MILLER of Nebraska. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3344) to amend the mineral leasing laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. WHARTON, D'EWART, DAWSON of Utah, YOUNG, ENGLE, ASPINALL, and Mrs. FROST.

CONTRIBUTION OF ATOMIC ENERGY TO MEDICINE

Mr. SCHENCK. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged resolution (H. Con. Res. 257) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Joint Committee on Atomic Energy 10,000 additional copies

of the hearings relative to the contribution of atomic energy to medicine, held by the said joint committee during the current Congress.

The concurrent resolution was agreed to, and a motion to reconsider was laid on the table.

APPOINTMENT OF CERTAIN OFFICERS OF REGULAR NAVY AND MARINE CORPS

Mr. ARENDS submitted the following conference report and statement on the bill (H. R. 6725) to reenact the authority for the appointment of certain officers of the Regular Navy and Marine Corps:

CONFERENCE REPORT (H. REPT. No. 2432)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6725) to reenact the authority for the appointment of certain officers of the Regular Navy and Marine Corps, having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

L. C. ARENDS,
PAUL W. SHAFER,
LEROY JOHNSON,
JAMES E. VAN ZANDT,
CARL VINSON,
PAUL J. KILDAY,
L. MENDEL RIVERS,

Managers on the Part of the House.

LEVERETT SALTONSTALL,
FRANCIS CASE,
JAMES H. DUFF,
JOHN C. STENNIS,

Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6725) to extend the authority for the appointment of certain officers in the Regular Navy and Marine Corps, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The first section of the Senate amendment would have empowered the Board for the Correction of Naval Records to review the case of nonpromotion of any officer holding the rank of commander in the Regular Navy, active or retired, or lieutenant colonel in the Regular Marine Corps, active or retired, that occurred under the wartime panel system of promotion in the Regular Navy or Regular Marine Corps between January 1, 1942, and August 7, 1947, inclusive, and to recommend appropriate advancement in grade or rank if there was in the opinion of the Board, any error, administrative delay, oversight, or injustice that caused the officer concerned to fail of an advancement in grade or rank which would otherwise have been made. The officer concerned would have been required to request such a review within 6 months of the date of approval of the act. In the case of an officer below the grade of commander or lieutenant colonel, the Board for the Correction of Naval Records, or such other appropriate board or boards as may have been appointed or designated by the Secretary of the Navy would have been authorized to function in the same manner and for the same purposes as in the case of commanders or lieutenant colonels. The President would have been authorized to submit to the Senate the name of any officer recommended by the Board for promotion to a higher grade while any advancement with-

AMENDING THE MINERAL LEASING LAWS TO PROVIDE FOR MULTIPLE MINERAL DEVELOPMENT OF THE SAME TRACTS OF THE PUBLIC LANDS

JULY 27, 1954.—Ordered to be printed

MR. WHARTON, from the committee of conference, submitted the
following

CONFERENCE REPORT

[To accompany S. 3344]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3344) to amend the mineral leasing laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the language of the House amendment insert the following:
That, (a) subject to the conditions and provisions of this Act and to any valid intervening rights acquired under the laws of the United States, any mining claim located under the mining laws of the United States subsequent to July 31, 1939, and prior to February 10, 1954, on lands of the United States, which at the time of location were—

(1) included in a permit or lease issued under the mineral leasing laws; or

(2) covered by an application or offer for a permit or lease which had been filed under the mineral leasing laws; or

(3) known to be valuable for minerals subject to disposition under the mineral leasing laws,

shall be effective to the same extent in all respects as if such lands at the time of location, and at all times thereafter, had not been so included or covered or known: Provided, however, That, in order to be entitled to the benefits of this Act, the owner of any such mining claim located prior to January 1, 1953, must have posted and filed for record, within the time allowed by the provisions of the Act of August 12, 1953 (67 Stat. 539), an amended notice of location as to such mining claim, stating that such notice was filed pursuant to the provisions of said Act of August

12, 1953, and for the purpose of obtaining the benefits thereof: And provided further, That in order to obtain the benefits of this Act, the owner of any such mining claim located subsequent to December 31, 1952, and prior to February 10, 1954, not later than one hundred and twenty days after the date of enactment of this Act, must post on such claim in the manner required for posting notice of location of mining claims and file for record in the office where the notice or certificate of location of such claim is of record an amended notice of location for such claim, stating that such notice is filed pursuant to the provisions of this Act and for the purpose of obtaining the benefits thereof and, within said one hundred and twenty day period, if such owner shall have filed a uranium lease application as to the tract covered by such mining claim, must file with the Atomic Energy Commission a withdrawal of such uranium lease application or, if a uranium lease shall have issued pursuant thereto, a release of such lease, and must record a notice of the filing of such withdrawal or release in the county office wherein such notice or certificate of location shall have been filed for record.

(b) Labor performed or improvements made after the original location of and upon or for the benefit of any mining claim which shall be entitled to the benefits of this Act under the provisions of subsection (a) of this section 1, shall be recognized as applicable to such mining claim for all purposes to the same extent as if the validity of such mining claim were in no respect dependent upon the provisions of this Act.

(c) As to any land covered by any mining claim which is entitled to the benefits of this Act under the provisions of subsection (a) of this section 1, any withdrawal or reservation of lands made after the original location of such mining claim is hereby modified and amended so that the effect thereof upon such mining claim shall be the same as if such mining claim had been located upon lands of the United States which, subsequent to July 31, 1939, and prior to the date of such withdrawal or reservation, were subject to location under the mining laws of the United States.

SEC. 2. (a) If any mining claim which shall have been located subsequent to December 31, 1952, and prior to December 11, 1953, and which shall be entitled to the benefits of this Act, shall cover any lands embraced within any mining claim which shall have been located prior to January 1, 1953, and which shall be entitled to the benefits of this Act, then as to such area of conflict said mining claim so located subsequent to December 31, 1952, shall be deemed to have been located December 11, 1953.

(b) If any mining claim hereafter located shall cover any lands embraced within any mining claim which shall have been located prior to February 10, 1954, and which shall be entitled to the benefits of this Act, then as to such area of conflict said mining claim hereafter located shall be deemed to have been located one hundred and twenty-one days after the date of the enactment of this Act.

SEC. 3. (a) Subject to the conditions and provisions of this Act and to any valid prior rights acquired under the laws of the United States, the owner of any pending uranium lease application or of any uranium lease shall have, for a period of one hundred and twenty days after the date of enactment of this Act, as limited in subsection (b) of this section 3, the right to locate mining claims upon the lands covered by said application or lease.

(b) Any rights under any such mining claim so hereafter located pursuant to the provisions of subsection (a) of this section 3 shall be subject to any rights of the owner of any mining claim which was located

prior to February 10, 1954, and which was valid at the date of the enactment of this Act or which may acquire validity under the provisions of this Act. As to any lands covered by a uranium lease and also by a pending uranium lease application, the right of mining location under this section 3, as between the owner of said lease and the owner of said application, shall be deemed as to such conflict area to be vested in the owner of said lease. As to any lands embraced in more than one such pending uranium lease application, such right of mining location, as between the owners of such conflicting applications, shall be deemed to be vested in the owner of the prior application. Priority of such an application shall be determined by the time of posting on a tract then available for such leasing of a notice of lease application in accordance with paragraph (c) of the Atomic Energy Commission's Domestic Uranium Program Circular 7 (10 C. F. R. 60.7 (c)) provided there shall have been timely compliance with the other provisions of said paragraph (c) or, if there shall not have been such timely compliance, then by the time of the filing of the uranium lease application with the Atomic Energy Commission. Any rights under any mining claim located under the provisions of this section 3 shall terminate at the expiration of thirty days after the filing for record of the notice or certificate of location of such mining claim unless, within said thirty-day period, the owner of the uranium lease application or uranium lease upon which the location of such mining claim was predicated shall have filed with the Atomic Energy Commission a withdrawal of said application or a release of said lease and shall have recorded a notice of the filing of such withdrawal or release in the county office wherein such notice or certificate of location shall be of record.

(c) Except as otherwise provided in subsections (a) and (b) of this section 3, no mining claim hereafter located shall be valid as to any lands which at the time of such location were covered by a uranium lease application or a uranium lease. Any tract upon which a notice of lease application has been posted in accordance with said paragraph (c) of said Circular 7 shall be deemed to have been included in a uranium lease application from and after the time of the posting of such notice of lease application: Provided, That there shall have been timely compliance with the other provisions of said paragraph (c) or, if there shall not have been such timely compliance, then from and after the time of the filing of a uranium lease application with the Atomic Energy Commission.

SEC. 4. Every mining claim or millsite—

(1) heretofore located under the mining laws of the United States which shall be entitled to benefits under the first three sections of this Act; or

(2) located under the mining laws of the United States after the effective date of passage of this Act, shall be subject, prior to issuance of a patent therefor, to a reservation to the United States of all Leasing Act minerals and of the right (as limited in section 6 hereof) of the United States, its lessees, permittees, and licensees to enter upon the land covered by such mining claim or millsite and to prospect for, drill for, mine, treat, store, transport, and remove Leasing Act minerals and to use so much of the surface and subsurface of such mining claim or millsite as may be necessary for such purposes, and whenever reasonably necessary, for the purpose of prospecting for, drilling for, mining, treating, storing, transporting, and removing Leasing Act minerals on and from other

lands; and any patent issued for any such mining claim or millsite shall contain such reservation as to, but only as to, such lands covered thereby which at the time of the issuance of such patent were—

(a) included in a permit or lease issued under the mineral leasing laws; or

(b) covered by an application or offer for a permit or lease filed under the mineral leasing laws; or

(c) known to be valuable for minerals subject to disposition under the mineral leasing laws.

SEC. 5. Subject to the conditions and provisions of this Act, mining claims and millsites may hereafter be located under the mining laws of the United States on lands of the United States which at the time of location are—

(a) included in a permit or lease issued under the mineral leasing laws; or

(b) covered by an application or offer for a permit or lease filed under the mineral leasing laws; or

(c) known to be valuable for minerals subject to disposition under the mineral leasing laws;

to the same extent in all respects as if such lands were not so included or covered or known.

SEC. 6. (a) Where the same lands are being utilized for mining operations and Leasing Act operations, each of such operations shall be conducted, so far as reasonably practicable, in a manner compatible with such multiple use.

(b) Any mining operations pursuant to rights under any unpatented or patented mining claim or millsite which shall be subject to a reservation to the United States of Leasing Act minerals as provided in this Act, shall be conducted, so far as reasonably practicable, in a manner which will avoid damage to any known deposit of any Leasing Act mineral. Subject to the provisions of subsection (d) of this section 6, mining operations shall be so conducted as not to endanger or materially interfere with any existing surface or underground improvements, workings, or facilities which may have been made for the purpose of Leasing Act operations, or with the utilization of such improvements, workings, or facilities.

(c) Any Leasing Act operations on lands covered by an unpatented or patented mining claim or millsite which shall be subject to a reservation to the United States of Leasing Act minerals as provided in this Act shall be conducted, so far as reasonably practicable, in a manner which will avoid damage to any known deposit of any mineral not so reserved from such mining claim or millsite. Subject to the provisions of subsection (d) of this section 6, Leasing Act operations shall be so conducted as not to endanger or materially interfere with any existing surface or underground improvements, workings, or facilities which may have been made for the purpose of mining operations, or with the utilization of such improvements, workings, or facilities.

(d) If, upon petition of either the mining operator or the Leasing Act operator, any court of competent jurisdiction shall find that a particular use in connection with one of such operations cannot be reasonably and properly conducted without endangering or materially interfering with the then existing improvements, workings, or facilities of the other of such operations or with the utilization thereof, and shall find that under

the conditions and circumstances, as they then appear, the injury or damage which would result from denial of such particular use would outweigh the injury or damage which would result to such then existing improvements, workings, or facilities or from interference with the utilization thereof if that particular use were allowed, then and in such event such court may permit such use upon payment (or upon furnishing of security determined by the court to be adequate to secure payment) to the party or parties who would be thus injured or damaged, of an amount to be fixed by the court as constituting fair compensation for the then reasonably contemplated injury or damage which would result to such then existing improvements, workings, or facilities or from interference with the utilization thereof by reason of the allowance of such particular use.

(e) Where the same lands are being utilized for mining operations and Leasing Act operations, then upon request of the party conducting either of said operations, the party conducting the other of said operations shall furnish to and at the expense of such requesting party copies of any information which said other party may have, as to the situs of any improvements, workings, or facilities theretofore made upon such lands, and upon like request, shall permit such requesting party, at the risk of such requesting party, to have access at reasonable times to any such improvements, workings, or facilities for the purpose of surveying and checking or determining the situs thereof. If damage to or material interference with a party's improvements, workings, facilities, or with the utilization thereof shall result from such party's failure, after request, to so furnish to the requesting party such information or from denial of such access, such failure or denial shall relieve the requesting party of any liability for the damage or interference resulting by reason of such failure or denial. Failure of a party to furnish requested information or access shall not impose upon such party any liability to the requesting party other than for such costs of court and attorney's fees as may be allowed to the requesting party in enforcing by court action the obligations of this section as to the furnishing of information and access. The obligation hereunder of any party to furnish requested information shall be limited to map and survey information then available to such party with respect to the situs of improvements, workings, and facilities and the furnishing thereof shall not be deemed to constitute any representation as to the accuracy of such information.

SEC. 7. (a) Any applicant, offeror, permittee, or lessee under the mineral leasing laws may file in the office of the Secretary of the Interior, or in such office as the Secretary may designate, a request for publication of notice of such application, offer, permit, or lease, provided expressly, that not less than ninety days prior to the filing of such request for publication there shall have been filed for record in the county office of record for the county in which the lands covered thereby are situate a notice of the filing of such application or offer or of the issuance of such permit or lease which notice shall set forth the date of such filing or issuance, the name and address of the applicant, offeror, permittee or lessee and the description of the lands covered by such application, offer, permit or lease, showing the section or sections of the public land surveys which embrace the lands covered by such application, offer, permit, or lease, or if such lands are unsurveyed, either the section or sections which would probably embrace such lands when the public lands surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument.

The filing of such request for publication shall be accompanied by a certified copy of such recorded notice and an affidavit or affidavits of a person or persons over twenty-one years of age setting forth that the affiant or affiants have examined the lands involved in a reasonable effort to ascertain whether any person or persons were in actual possession of or engaged in the working of such lands or any part thereof, and, if no person or persons were found to be in actual possession of or engaged in the working of said lands or any part thereof on the date of such examination, setting forth such fact, or, if any person or persons were so found to be in actual possession or engaged in such working on the date of such examination, setting forth the name and address of each such person, unless affiant shall have been unable through reasonable inquiry to obtain information as to the name and address of any such person, in which event the affidavit shall set forth fully the nature and results of such inquiry.

The filing of such request for publication shall also be accompanied by the certificate of a title or abstract company, or of a title abstractor, or of an attorney, based upon such company's, abstractor's, or attorney's examination of the instruments affecting the lands involved, of record in the public records of the county in which said lands are situate as shown by the indices of the public records in the county office of record for said county, setting forth the name of any person disclosed by said instruments to have an interest in said lands under any unpatented mining claim heretofore located, together with the address of such person if disclosed by such instruments of record.

Thereupon the Secretary of the Interior, or his designated representative, at the expense of the requesting person (who, prior to the commencement of publication, must furnish the agreement of the publisher to hold such requesting person alone responsible for charges of publication), shall cause notice of such application, offer, permit, or lease to be published in a newspaper having general circulation in the county in which the lands involved are situate.

Such notice shall describe the lands covered by such application, offer, permit, or lease, as provided heretofore in the notice to be filed in the office of record of the county in which the lands covered are situate, and shall notify whomever it may concern that if any person claiming or asserting under, or by virtue of, any unpatented mining claim heretofore located, any right or interest in Leasing Act minerals as to such lands or any part thereof, shall fail to file in the office where such request for publication was filed (which office shall be specified in such notice) and within one hundred fifty days from the date of the first publication of such notice (which date shall be specified in such notice), a verified statement which shall set forth, as to such unpatented mining claim:

- (1) The date of location;
- (2) The book and page of recordation of the notice or certificate of location;]
- (3) The section or sections of the public land surveys which embrace such mining claim; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument;
- (4) Whether such claimant is a locator or purchaser under such location; and

(5) The name and address of such claimant and names and addresses so far as known to the claimant of any other person or persons claiming any interest or interests in or under such unpatented mining claim;

such failure shall be conclusively deemed (i) to constitute a waiver and relinquishment by such mining claimant of any and all right, title, and interest under such mining claim as to, but only as to, Leasing Act minerals, and (ii) to constitute a consent by such mining claimant that such mining claim and any patent issued therefore, shall be subject to the reservation specified in section 4 of this Act, and (iii) to preclude thereafter any assertion by such mining claimant of any right or title to or interest in any Leasing Act mineral by reason of such mining claim.

If such notice is published in a daily paper, it shall be published in the Wednesday issue for nine consecutive weeks, or, if in a weekly paper, in nine consecutive issues, or, if in a semiweekly or triweekly paper, in the issue of the same day of each week for nine consecutive weeks.

Within fifteen days after the date of first publication of such notice, the person requesting such publication (1) shall cause a copy of such notice to be personally delivered to or to be mailed by registered mail addressed to each person in possession or engaged in the working of the land whose name and address is shown by an affidavit filed as aforesaid, and to each person who may have filed, as to any lands described in said notice, a request for notices, as provided in subsection (d) of this section 7, and shall cause a copy of such notice to be mailed by registered mail to each person whose name and address is set forth in the title or abstract company's or title abstractor's or attorney's certificate filed as aforesaid, as having an interest in the lands described in said notice under any unpatented mining claim heretofore located, such notice to be directed to such person's address as set forth in such certificate; and (2) shall file in the office where said request for publication was filed an affidavit showing that copies have been so delivered or mailed.

(b) If any claimant under any unpatented mining claim heretofore located which embraces any of the lands described in any notice published in accordance with the provisions of subsection (a) of this section 7 shall fail to file a verified statement, as above provided, within one hundred and fifty days from the date of the first publication of such notice, such failure shall be conclusively deemed, except as otherwise provided in subsection (c) of this section 7, (i) to constitute a waiver and relinquishment by such mining claimant of any and all right, title, and interest under such mining claim as to, but only as to, Leasing Act minerals, and (ii) to constitute a consent by such mining claimant that such mining claim and any patent issued therefor, shall be subject to the reservation specified in section 4 of this Act, and (iii) to preclude thereafter any assertion by such mining claimant of any right or title to or interest in any Leasing Act mineral by reason of such mining claim.

(c) If any verified statement shall be filed by a mining claimant as provided in subsection (a) of this section 7, then the Secretary of the Interior or his designated representative shall fix a time and place for a hearing to determine the validity and effectiveness of the mining claimant's asserted right or interest in Leasing Act minerals, which place of hearing shall be in the county where the lands in question or parts thereof are located, unless the mining claimant agrees otherwise. The procedures with respect to notice of such a hearing and the conduct thereof, and in respect to

appeals shall follow the then established general procedures and rules of practice of the Department of the Interior in respect to contests or protests affecting public lands of the United States. If, pursuant to such a hearing the final decision rendered in the matter shall affirm the validity and effectiveness of any mining claimant's right or interest under the mining claim as to Leasing Act minerals, then no subsequent proceedings under this Section 7 of this Act shall have any force or effect upon the so-affirmed right or interest of such mining claimant under such mining claim. If at any time prior to a hearing the person requesting publication of notice and any person filing a verified statement pursuant to such notice shall so stipulate, then to the extent so stipulated, but only to such extent, no hearing shall be held with respect to rights asserted under that verified statement, and to the extent defined by the stipulation the rights asserted under that verified statement shall be deemed to be unaffected by that particular published notice.

(d) Any person claiming any right in Leasing Act minerals under or by virtue of any unpatented mining claim heretofore located and desiring to receive a copy of any notice of any application, offer, permit, or lease which may be published as above provided in subsection (a) of this section 7, and which may affect lands embraced in such mining claim, may cause to be filed for record in the county office of record where the notice or certificate of location of such mining claim shall have been recorded, a duly acknowledged request for a copy of any such notice. Such request for copies shall set forth the name and address of the person requesting copies and shall also set forth, as to each mining claim under which such person asserts rights in Leasing Act minerals:

- (1) the date of location;
- (2) the book and page of the recordation of the notice or certificate of location; and
- (3) the section or sections of the public land surveys which embrace such mining claim; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument.

Other than in respect to the requirements of subsection (a) of this section 7 as to personal delivery or mailing of copies of notices and in respect to the provisions of subsection (e) of this section 7, no such request for copies of published notices and no statement or allegation in such request and no recordation thereof shall affect title to any mining claim or to any land or be deemed to constitute constructive notice to any person that the person requesting copies has, or claims, any right, title, or interest in or under any mining claim referred to in such request.

(e) If any applicant, offeror, permittee, or lessee shall fail to comply with the requirements of subsection (a) of this section 7 as to the personal delivery or mailing of a copy of notice to any person, the publication of such notice shall be deemed wholly ineffectual as to that person or as to the rights asserted by that person and the failure of that person to file a verified statement, as provided in such notice, shall in no manner affect, diminish, prejudice or bar any rights of that person.

SEC. 8. The owner or owners of any mining claim heretofore located may, at any time prior to issuance of patent therefor, waive and relinquish all rights thereunder to Leasing Act minerals. The execution and acknowledgment of such a waiver and relinquishment by such owner or owners and the recordation thereof in the office where the notice or certificate of

location of such mining claim is of record shall render such mining claim thereafter subject to the reservation referred to in section 4 of this Act and any patent issued therefor shall contain such a reservation, but no such waiver or relinquishment shall be deemed in any manner to constitute any concession as to the date of priority of rights under said mining claim or as to the validity thereof.

SEC. 9. Lands withdrawn from the public domain which are within (a) Helium Reserve Numbered 1, pursuant to Executive orders of March 21, 1924, and January 28, 1926, and (b) Helium Reserve Numbered 2 pursuant to Executive Order 6184 of June 26, 1933, shall be subject to entry and location under the mining laws of the United States, and to permit and lease under the mineral leasing laws, upon determination by the Secretary of the Interior, based upon available geologic and other information, that there is no reasonable probability that operations pursuant to entry or location of the particular lands under the mining laws, or pursuant to a permit or lease of the particular lands under the Mineral Leasing Act, will result in the extraction or cause loss or waste of the helium-bearing gas in the lands of such reserves: Provided, That the lands shall not become subject to entry, location, permit, or lease until such time as the Secretary designates in an order published in the Federal Register: And provided further, That the Secretary may at any time as a condition to continued mineral operations require the entryman, locator, permittee or lessee to take such measures either above or below the surface of the lands as the Secretary deems necessary, to prevent loss or waste of the helium-bearing gas.

SEC. 10. The Atomic Energy Act is hereby amended as follows:

(a) Section 5 (b) (5) is revised to read:

“(5) ACQUISITION.—The Commission is authorized to the extent it deems necessary to effectuate the provisions of this Act—

“(A) to purchase, take, requisition, condemn, or otherwise acquire supplies of fissionable source materials or any interest in real property containing deposits of fissionable source materials; and

“(B) to purchase, take, requisition, condemn, or otherwise acquire rights to enter upon any real property deemed by it to have possibilities of containing deposits of fissionable source materials and to conduct prospecting and exploratory operations for such deposits.

Any purchase made under this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and partial and advance payments may be made thereunder. The Commission may establish guaranteed prices for all fissionable source materials delivered to it within a specified time. Just compensation shall be made for any property or interest in property purchased, taken, requisitioned, condemned, or otherwise acquired under this paragraph.”

(b) Section 5 (b) (6) is revised to read:

“(6) OPERATIONS ON LANDS BELONGING TO THE UNITED STATES.—The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this Act, to issue leases or permits for prospecting for, exploration for, mining, or removal of deposits of fissionable source materials (or for any or all of these purposes) in lands belonging to the United States: Provided, That, notwithstanding any other provisions of law, such leases or permits may be issued for lands administered for

national park, monument, and wildlife purposes only when the President, by Executive order, finds and declares that such action is necessary in the interests of national defense."

(c) Section 5 (b) (7) is revised to read:

"(7) PUBLIC LANDS.—No individual, corporation, partnership, or association, which had any part, directly or indirectly, in the development of the atomic energy program, may benefit by any location, entry, or settlement upon the public domain made after such individual, corporation, partnership, or association took part in such program, if such individual, corporation, partnership, or association, by reason of having had such part in the development of the atomic energy program, acquired confidential official information as to the existence of deposits of such uranium, thorium, or other fissionable source materials in the specific lands upon which such location, entry, or settlement is made, and subsequent to the date of the enactment of this Act made such location, entry, or settlement or cause the same to be made for his, or its, or their benefit. In cases where any patent, conveyance, lease, permit, or other authorization has been issued, which reserved to the United States fissionable source materials and the right to enter upon the land and prospect for, mine, and remove the same, the head of the department or agency which issued the patent, conveyance, lease, permit, or other authorization shall, on application of the holder thereof, issue a new or supplemental patent, conveyance, lease, permit, or other authorization without such reservation."

(d) Notwithstanding the provisions of the Atomic Energy Act, and particularly section 5 (b) (7) thereof, prior to its amendment hereby, or the provisions of the Act of August 12, 1953 (67 Stat. 539), and particularly section 3 thereof, any mining claim, heretofore located under the mining laws of the United States, for, or based upon a discovery of a mineral deposit which is a fissionable source material and which, except for the possible contrary construction of said Atomic Energy Act, would have been locatable under such mining laws, shall, insofar as adversely affected by such possible contrary construction, be valid and effective, in all respects to the same extent as if said mineral deposit were a locatable mineral deposit other than a fissionable source material.

SEC. 11. As used in this Act "mineral leasing laws" shall mean the Act of October 20, 1914 (38 Stat. 741); the Act of February 25, 1920 (41 Stat. 437); the Act of April 17, 1926 (44 Stat. 301); the Act of February 7, 1927 (44 Stat. 1057); and all Acts heretofore or hereafter enacted which are amendatory of or supplementary to any of the foregoing Acts; "Leasing Act minerals" shall mean all minerals which, upon the effective date of this Act, are provided in the mineral leasing laws to be disposed of thereunder; "Leasing Act operations" shall mean operations conducted under a lease, permit, or license issued under the mineral leasing laws in or incidental to prospecting for, drilling for, mining, treating, storing, transporting, or removing Leasing Act minerals; "mining operations" shall mean operations under any unpatented or patented mining claim or millsite in or incidental to prospecting for, mining, treating, storing, transporting, or removing minerals other than Leasing Act minerals and any other use under any claim of right or title based upon such mining claim or millsite; "Leasing Act operator" shall mean any party who shall conduct Leasing Act operations; "mining operator" shall mean any party who shall conduct mining operations; "Atomic Energy Act" shall mean the Act of August 1, 1946 (60 Stat. 755), as amended; "Atomic Energy Commission" shall mean the United States

Atomic Energy Commission established under the Atomic Energy Act or any amendments thereof; "fissionable source material" shall mean uranium, thorium, and all other materials referred to in section 5 (b) (1) of the Atomic Energy Act as reserved or to be reserved to the United States; "uranium lease application" shall mean an application for a uranium lease filed with said Commission with respect to lands which would be open for entry under the mining laws except for their being lands embraced within an offer, application, permit, or lease under the mineral leasing laws or lands known to be valuable for minerals leasable under those laws; "uranium lease" shall mean a uranium mining lease issued by said Commission with respect to any such lands; and "person" shall mean any individual, corporation, partnership, or other legal entity.

SEC. 12. Nothing in this Act shall be construed to waive, amend, or repeal the requirement of any provision of any law for approval of any official of the United States whose approval prior to prospecting, exploring, or mining would be required.

SEC. 13. If any provision of this Act, or the application of such provision to any person or circumstances, is held unconstitutional, invalid, or unenforceable, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held unconstitutional, invalid, or unenforceable, shall not be affected thereby.

And the House agree to the same.

J. ERNEST WHARTON,
WESLEY A. D'EWART,
WILLIAM A. DAWSON,
CLIFTON YOUNG,
CLAIR ENGLE,
WAYNE N. ASPINALL,
GRACIE PFOST,

Managers on the Part of the House.

EUGENE D. MILLIKIN,
ARTHUR V. WATKINS,
FRANK A. BARRETT,
JAMES E. MURRAY,
CLINTON P. ANDERSON,

Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3344) to amend the mineral leasing laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report, namely:

Section 4: This section was given very careful consideration. The House amendment has been reworded to change its negative approach relative to the procedure of placing reservations of leasable minerals in mining claim patents to the positive language adopted by the conferees. Mining claims, whether located in conformity with the provisions of Public Law 250, 83d Congress, or subsequent to the enactment of this legislation, will be subject to reservation of Leasing Act minerals only if such claims are located on public lands to which the mineral leasing acts are applicable at the time the patent issues.

Mining claims located on public lands to which, at time of issuance of patent, the mineral leasing acts are not applicable are exempt from this reservation and full title to all minerals will pass to claimant with the patent.

The time of issuance of a patent, rather than the time of application, was selected because of the possibility of the long time lag between application for, and perfection of, patent. If time of application governed, the effect would be to block development of leasable minerals not only as to the claim involved but possibly as to the area in which the claim was located. This would be contrary to the intent of this legislation which has as its stated purpose the maximum possible development of the public domain, keeping in mind that there is nothing in the act which prohibits the operator from occupying the dual position of being both a locator and a lessee. By making the time of issuance the cutoff for the reservation of leasable minerals, the land is kept open for development of these minerals up to the time patent issues.

Section 7: Certain changes in language suggested by both Senate and House conferees were adopted in the interest of clarification and the further protection of the mining claimant; certain language appearing in the Senate bill, but which was omitted from the House bill, was agreed to.

Section 9: This did not appear in the House bill. The Senate version was reworded and the section was agreed to. This section opens public lands, which have been withdrawn for helium, to entry under the mining laws and to permit and lease under the mineral leasing laws, upon determination by the Secretary of the Interior that such activity will not result in waste of helium-bearing gas. The Secretary is given the authority to require such operations to be conducted so as to prevent loss or waste of the helium-bearing gas.

Section 10: Certain changes in language were made to conform to the Atomic Energy Act. Subsection (6) was amended to exclude specifically national parks, monuments, and wildlife areas from the provisions of this act, except when the President declares by Executive order that issuance of leases or permits under this subsection are necessary to the national defense. Working agreements presently existing are not affected in any way. The amendment will not operate to affect the special use permit between the National Park Service and the Atomic Energy Commission, approved February 1, 1952, by the Department of the Interior; approved February 19, 1952, by the Atomic Energy Commission, with respect to Capitol Reef National Monument, Utah.

Section 12 restates this principle in general terms relative to the mineral development of the public lands generally, and expresses the intent of the bill to limit the changes in the operation of the mining laws and the mineral leasing laws to the specific provisions of the bill.

J. ERNEST WHARTON,
WESLEY A. D'EWARD,
WILLIAM A. DAWSON,
CLIFTON YOUNG,
CLAIR ENGLE,
WAYNE N. ASPINALL,
GRACIE PFOST,

Managers on the Part of the House.



Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For Department Staff Only)

Issued July 30, 1954
For actions of July 29, 1954
83rd-2nd, No. 144

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HIGHLIGHTS: House passed bill to increase CCC borrowing power. House agreed to corrections in enrollment of housing bill. House voted against sine die adjournment July 31. Senate committee reported flood control bill. Senate agreed to conference report on tax revision bill. Senate debated mutual security authorization bill. Senate committee ordered reported supplemental appropriation bill. Rep. Multer criticized USDA's request for further increase in CCC borrowing authority. Senate recalled water-facilities loans bill and agreed to bills correcting clerical errors.

HOUSE

1. COMMODITY CREDIT CORPORATION. Passed, 317-57, without amendment H. R. 9756, increasing the borrowing power of CCC from \$8.5 billion to \$10 billion (pp. 11965-6).
2. MINERALS. Agreed to the conference report on S. 3344, to amend the mineral leasing laws to provide for multiple mineral development of the same tracts of public lands (pp. 11967, A5553-5).
3. HOUSING LOANS. Agreed to a Senate concurrent resolution correcting errors in the enrollment of H. R. 7839, the housing bill (pp. 11966-7, 12010). This bill will now be sent to the President.
4. ADJOURNMENT. By a 183-193 vote, rejected H. Con. Res. 265, providing for sine die adjournment of Congress on July 31 (p. 11966).
5. TEXTILES. Rep. Deane inserted an analysis of the textile industry which he compiled from information obtained from the Legislative Reference Service and other sources (pp. 11971-5).
6. COFFEE PRICES. Received from the Federal Trade Commission a report, "Investigation of Coffee Prices" (p. 12029).

SENATE

7. WATER-FACILITIES LOANS. Recalled S. 3137, to amend the Water Facilities Act; reconsidered the vote by which the Senate agreed to House amendments to the bill; and concurred in the House amendments with further amendments for the purpose of correcting clerical errors in the bill (pp. 11898, 11958, 12000).
8. FARM PROGRAM. The amendment by Sen. Williams to S. 3052 (see Digest 143) is identical to his bill, S. 3815, which would provide for a specific contribution by State governments to the cost of feed or seed furnished to farmers, ranchers or stockmen in disaster areas.
 Sen. Goldwater (for himself and Sen. Hayden) submitted an amendment which he intends to propose to this bill. Sen. Aiken (for himself and Sens. Hickenlooper, Schoeppel, Holland, and Anderson) submitted an amendment in the nature of a substitute which they intend to propose to the bill. (p. 11896.)
9. FOREIGN AID. Continued debate on H. R. 9678, the mutual security authorization bill for 1955 (pp. 11900-29, 11956-63).
10. SUPPLEMENTAL APPROPRIATION BILL, 1955. The Appropriations Committee ordered this bill reported with amendments (p. D913).
11. FLOOD CONTROL. The Public Works Committee reported with amendments H. R. 9859, the omnibus flood control bill (S. Rept. 2007)(p. 11892).
12. MINERALS; PUBLIC LANDS. The Interior and Insular Affairs Committee reported with amendment S. 3071, to amend the act authorizing agricultural entries under the non-mineral-land laws of certain mineral lands (S. Rept. 2009)(p. 11893).
13. FARM LOANS. Passed as reported H. R. 8152, to extend to June 30, 1955, the authority of the Veterans' Administration for direct home and farmhouse loans under the Servicemen's Readjustment Act, and to make additional funds available therefor (pp. 11926-7).
14. TAXATION. Agreed to the conference report on H. R. 8300, to revise the internal revenue laws (pp. 11929-54). This bill will now be sent to the President. Sens. Morse and Humphrey discussed an amendment which had been proposed by Sen. Humphrey regarding grain storage facilities and the contemplated purchase by CCC of additional facilities (pp. 11942-4).
15. PERSONNEL. Sen. Williams inserted and discussed an amendment which he intends to propose (on behalf of himself and Sen. Schoeppel) to H. R. 7774, the incentive awards bill. The amendment would prevent persons who are convicted of certain crimes from participating under the Civil Service Retirement Act, but would provide for refunds to such persons of the amounts which they had contributed to the retirement fund. (p. 11897.)
16. FOREIGN AID. Sen. Wiley commended the technical assistance program and inserted newspaper editorials on this matter (p. 11899).
17. NOMINATION of Lawrence Quincy Mumford, to be Librarian of Congress, was confirmed (p. 11964).

BILLS APPROVED BY THE PRESIDENT

18. RECLAMATION. H. R. 6786, authorizing Interior to purchase improvements or pay damages for removal of improvements located on U. S. public lands in the

nection with national defense, and for other purposes," approved October 14, 1940, as added to that act by section 805 (3) of the bill, insert after the words "San Diego County" the words "or Imperial County."

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The resolution was agreed to, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent to insert in the Appendix a brief summary review of the Housing Act of 1954, H. R. 7839.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

[The matter referred to appears in the Appendix.]

DISCHARGE RULE

Mr. HAGEN of Minnesota. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAGEN of Minnesota. Mr. Speaker, the inquiry is with reference to paragraph 908 of the rules of the House relative to a motion to discharge a committee. My question is, Is it possible during the last 6 days of the session after a motion to recess or adjourn sine die has been adopted by both Houses, to call up the bill H. R. 9245, the postal-pay bill, under the rules of the House?

The SPEAKER. In response to the parliamentary inquiry of the gentleman, the Chair invites attention to the second paragraph of clause 4 of rule XXVII, which contains the following statement:

On the second and fourth Mondays of each month, except during the last 6 days of any session of Congress, immediately after the approval of the Journal, any Member who has signed a motion to discharge which has been on the calendar at least 7 days prior thereto, and seeks recognition, shall be recognized for the purpose of calling it up.

It seems perfectly clear to the Chair that the meaning of the rule is that when a motion has been on the calendar 7 legislative days a Member who signed the motion can call it up on the second or the fourth Monday, except when the second or fourth Monday comes during the last 6 days of a session. The exception then means that during the last 6 days of a session the motion cannot be called up at all.

SPECIAL ORDER GRANTED

Mr. PHILBIN asked and was given permission to address the House for 30 minutes today, following the legislative business of the day and any other special orders heretofore entered.

AMENDING MINERAL LEASING LAWS

Mr. WHARTON. Mr. Speaker, I call up the conference report on the bill (S. 3344) to amend the mineral leasing laws

to provide for multiple mineral development of the same tracts of the public lands, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House may be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of July 27, 1954.)

Mr. WHARTON. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to, and a motion to reconsider was laid on the table.

FAMILY HOUSING FOR PERSONNEL OF ARMED FORCES

Mr. ALLEN of Illinois. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 662 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 9924) to provide for family quarters for personnel of the military departments of the Department of Defense and their dependents, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. ALLEN of Illinois. Mr. Speaker—

Mr. HOFFMAN of Michigan. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Michigan to propound a parliamentary inquiry?

Mr. ALLEN of Illinois. I yield.

Mr. HOFFMAN of Michigan. Is this a privileged resolution from the Rules Committee?

The SPEAKER. It is.

Mr. ALLEN of Illinois. It deals with the matter of military housing.

Mr. Speaker, I know of no one who is against this rule which provides for 13,613 units of military housing for the personnel in the military services. The purpose, of course, is to provide adequate housing for the military personnel.

Mr. Speaker, I rise to urge the adoption of House Resolution 662 which will make in order the consideration of the bill (H. R. 9924) to provide for family quarters for personnel of the military

departments of the Department of Defense and their dependents, and for other purposes.

House Resolution 662 provides for an open rule with 1 hour of general debate. I do not know of anyone that is opposed to the adoption of the rule.

Mr. Speaker, H. R. 9924 would authorize the military departments to provide family housing for personnel of the Armed Forces by the construction of 13,613 units, including replacement of substandard housing, and the rehabilitation of additional units, but at a total cost of not to exceed \$175 million.

Mr. Speaker, this bill has been introduced as a partial answer to the pressing problem of providing adequate family quarters for our military personnel. We all know that in this day and age when the world situation is so uncertain that it is extremely important that our country have an adequately trained and competent corps of military personnel.

The housing arrangements for the military have been so poor in recent years, due to the lack of quarters and the inability of finding outside family quarters, that the reenlistment rates have declined considerably. This, I think all Members of the House will agree, is an extremely dangerous situation.

Since the Armed Forces have been unable in recent years to provide the necessary housing for our military personnel through housing constructed with appropriated funds, the recent alternative has been the granting of a monetary allowance for quarters to be secured individually by the military personnel as best they can.

The drawbacks to this solution of the housing problem are obvious when you consider the usual crowded conditions that exist near any military installation.

While H. R. 9924 would provide for less than 10 percent of the family housing needs of the Armed Forces, even on the present understrength condition of the military forces, still this bill proposes to start solving the problem on a permanent and effective basis. The report stresses the fact that the original investment made by the Government to provide housing for military personnel will be amortized over a period of 14 years due to the fact that no housing allowance will have to be made for each family occupying these housing units.

Mr. Speaker, this problem has to be solved in some way or other and there is no time to be lost in working out the answer. I hope that the House membership will see fit to adopt this rule and that the House will proceed to the consideration of the bill.

Mr. PHILLIPS. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield.

Mr. PHILLIPS. The gentleman said he knew of no one opposed to the rule. I am very much in opposition to the bill in its present form. I hope it will be recommitted, and I would be very willing to vote against the rule to attain that end.

I would like to have time to explain my point.

Mr. SHEPPARD. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield.

Mr. SHEPPARD. There are some people on this side who object to the rule.

Mr. ALLEN of Illinois. I said that I knew of none; now I know differently.

Mr. McDONOUGH. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield.

Mr. McDONOUGH. I want to reiterate the statement made by my colleague from California [Mr. PHILLIPS]. I also am opposed to the bill. I trust it will be recommitted. I think it is a very poor method of financing and I would vote against the rule in order to attain that purpose.

Mr. ALLEN of Illinois. Mr. Speaker, I am hoping that this rule will be adopted. After the observations that have just been made, the matter can be debated fully after we adopt the rule. It is an open one. All members will have an opportunity to speak on it. I reiterate that we should adopt the rule, and then the matter will be open for full discussion.

The bill provides for 13,613 units for the military, chiefly for the enlisted personnel. In my opinion, this will stimulate the enlistment of people in the armed services as well as be of great value in connection with reenlistments. I cannot conceive of anything that would retard enlistment and reenlistment in the military more than inadequate housing for those we are striving to get and to keep in the service. I should mention especially that every time there is a voluntary enlistment and reenlistment it means that many less to be drafted. Personally, I believe we should make things as satisfactory as we can for those who want to voluntarily enlist or reenlist, which, as I say, would automatically lessen the necessity for the draft.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman from New York.

Mr. TABER. One of the worst things that the Congress has to contend with is this continual demand of the Military Establishment to place additional housing in places where they are not needed. I am afraid from my examination of this bill that is just what it does.

Mr. ALLEN of Illinois. I thank the gentleman. Mr. Speaker, I made a considerable study of this matter after the bill was reported from the Committee on Armed Services and I find that the amount of money involved is not nearly as great as might appear from the bill itself. For instance, when the military personnel is quartered in congested areas they are granted, in some cases, additional monetary consideration to rent quarters. In cities like Detroit and other large areas where there is congestion it is most difficult at times for the enlisted personnel, the sergeants and corporals, to rent quarters. This becomes important when the Government must give them additional money to rent quarters. Where there is adequate housing on the post itself they do not have

to give the personnel this additional monetary consideration.

Mr. DEVEREUX. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman from Maryland.

Mr. DEVEREUX. The gentleman from Illinois has brought out the question of reenlistments. If we do not make the services attractive reenlistmentwise, insofar as officers are concerned, we will lose all of those skilled people from the military services and in the long run it will cost us millions of dollars more in order to try to make the services more attractive so that the officer personnel will not resign and so that the enlisted personnel, particularly in the first three grades, the very backbone of the military services, will not resign. If we do not make it attractive they will not reenlist. That is exactly the problem we are up against today.

Mr. ALLEN of Illinois. I thank the gentleman from Maryland for his observation.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman from Pennsylvania.

Mr. EBERHARTER. May I say that I wholeheartedly agree with the gentleman from Maryland who just spoke. The general has had much experience in connection with the military.

May I call attention to the fact that just last week the Committee on Armed Services of the House brought in a bill which passed scarcely without any objection whatsoever in order to give enlisted military personnel an opportunity to reenlist. The same thing is true of the officer personnel. In all of the services they have been denied too many of the comforts of life because we have been too penurious with them. This is one way of retaining both qualified officer personnel and enlisted personnel. I know myself, Mr. Speaker, in conversations with officers of different branches, in the service and in the reserve, that they are trying to get out as quickly as they can because of living conditions and other matters of that sort. In the long run this bill would save money.

Mr. JOHNSON of California. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman from California.

Mr. JOHNSON of California. We had exhaustive hearings before we brought this bill to the floor of the House. The housing conditions for our enlisted men and the junior officers are deplorable. This is only a stopgap piece of legislation that will provide for but 10 percent of the housing requirements in the military service. I certainly hope that the House will give us a chance to prove our case and not shut us off by refusing a rule.

Mr. RIVERS. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman from South Carolina.

Mr. RIVERS. In every appropriation bill for the military there are items for millions and millions of dollars for quarters allowance that we are going to pay

out. I do not care what anybody on this floor says, we have got to appropriate it, and we have appropriated it under the law. The Committee on Appropriations does it every day. This bill is going to remove the necessity of going off of the bases and looking for housing, which we pay for day in and day out. This is trying to obviate the skinning of these people and causing them to pay these very exorbitant prices. This is an orderly approach to stop this spending which we are doing every year and which runs up into the untold millions.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. ALLEN of Illinois. I yield to the gentleman from Iowa.

Mr. CUNNINGHAM. I think, if I may be permitted to say so, that there are certain things about this bill that should be known. First, we need this housing; we cannot get it any other way. That was demonstrated in the testimony before the subcommittee of the Committee on Armed Services. This bill does not interfere with Wherry housing. This bill does not interfere with private housing. This bill provides that these houses shall be built on or near installations where they do not have and cannot get the proper kind of housing. Also, when you study this bill, you will find in the long run it will save the Government money. It is true that it will require some appropriations, whereas in the housing built under Wherry housing or under private housing, appropriations might not be needed at this time. But, under Wherry housing the Defense Department or the Government through the Defense Department pays the rent through the living quarters allowances to the officers and personnel. Under the Government-owned housing, this money is saved because it is paid right back into the Government and eventually it becomes self-liquidating. The Government owns the housing, whereas under private housing it never does. It just pays the rent. This bill is necessary now for the defense and security of our country and for the morale of our troops.

Mr. ALLEN of Illinois. I thank the gentleman.

I wish to state further, Mr. Speaker, that undoubtedly from what has been mentioned here today this could come under the Wherry Act but I believe that all will admit that when these homes are built on these bases and airfields under these provisions, and built under the supervision of the engineers, they will be much better homes, more permanent type homes. I believe all will admit that under the Wherry Act, the homes that were built are not of the most permanent kind.

I believe it is important to make this observation, and it has to do with the financial consideration. We have now tens of thousands of young veterans in the service who, when they come back, will have the privilege of going to college under the GI bill of rights. That is a costly proposition. If we can keep those youngsters who are entitled, if they leave the service, to go to college under the GI bill of rights, if we can

many security risks have been discharged from the Department of Commerce?"

Sinclair Weeks, Secretary: "It is about 450, is it not?"

James C. Worthy, Assistant Secretary for Administration: "Mr. Secretary, I can answer that as I have the actual figures here, but I would like to go off the record."

Mr. ROONEY: "I want it on the record. I want to know how many alleged security risks were discharged for subversive activities."

(Discussion preliminary to going off the record to permit Mr. Worthy to make a comment.)

Mr. Worthy: "Since the 20th of January we have separated from the Department a total of 132 people as security risks. This is security risks as defined by the new Executive order. They are not all subversives, in the literal sense of that word."

Mr. ROONEY: "How many were subversives in the literal sense of the word?"

Mr. Worthy: "I do not have that figure."

Mr. ROONEY: "Would you say it was 1, 2, or 3?"

Mr. Worthy: "I would not want to estimate that figure, sir."

Mr. ROONEY: "More than three?"

Mr. Worthy: "Because under the new Executive order the only criterion is security. We have been operating on that basis."

Mr. ROONEY: "A great number of these might have been homosexuals?"

Mr. Worthy: "Some of them were."

Mr. ROONEY: "Drunkards? But how many of them were security risks in the literal sense of the word, engaged in subversive activities?"

Secretary Weeks: "Mr. Chairman and Mr. Rooney, I think under the rules of the game that a homosexual, or whatever he may be, is considered just as much a security risk as anybody else."

Mr. ROONEY: "Of course he is, and that is why we gave the former Secretary of Commerce authority to fire them summarily."

"(Omission.)"

Mr. Worthy: "I do not have those figures."

Mr. ROONEY: "Can you tell me how many of these were homosexuals?"

Mr. Worthy: "I can tell you that. Thirty-six."

Mr. ROONEY: "How many were drunks?"

Mr. Worthy: "I do not have that further breakdown."

Representative FREDERIC R. COUDERT, JR., Republican of New York: "Off the record."

"(Discussion off the record.)"

(After discussion of other subjects, the committee returned to security risks.)

Mr. ROONEY: "Mr. Worthy, when you mentioned the figure of 132, which you did a while ago, the subversives, homosexuals, drunkards, and incompetents, how many employees do you now have in the Department of Commerce?"

Mr. Worthy: "As of the 31st of October the permanent full-time employment was 31,519."

Mr. ROONEY: "I take it that my request is still before you and that there shall be inserted in the record"—

Mr. Worthy: "Excuse me. I did not hear the question."

Mr. ROONEY: "I take it my request for the figures to which I directed your attention is still before you and that they will be inserted in this record?"

Mr. Worthy: "That is correct."

Mr. ROONEY: "How many are security risks in the literal sense and how many drunkards, and so forth."

Mr. Worthy: "We will supply that. I might say this 31,519 employment figure is permanent full-time paid employment."

Mr. ROONEY: "Did any of the 132 come from the part-time workers?"

Mr. Worthy: "I would have to check that. I cannot answer that."

Mr. ROONEY: "Will you so state when you furnish the information for the record?"

Mr. Worthy: Yes.

"(The information referred to follows:)"

1. Cases involving morals charges-----	36
2. Cases involving alleged subversion or disloyalty-----	23
3. Cases involving charges other than morals and alleged subversion or disloyal charges-----	73

Total----- 132

¹ None of the foregoing involved part-time employees.

Mr. ROONEY: "And how many part-time employees you have. Will you furnish that for the record?"

Mr. Worthy: "Yes."

"(The information referred to follows:)"

"As of October 31, 1953, there were 5,368 part-time and intermittent employees."

(On January 20, 1954 the Committee again considered security risks.)

Mr. ROONEY: "I have one matter and that concerns the Department as a whole and not merely the Office of International Trade. I inquired of the Secretary and/or you, Mr. Worthy, with regard to the number of actual security risks in the Department. I note in answer to my question there was furnished a bare statement that 36 were separated for morals reasons, 23 for alleged subversion or disloyalty, and 73 for other security reasons, which would include habitual drunkenness, loose talk, and so forth. Is that the only information you propose to give this committee on this subject?"

Mr. Worthy: "It is my understanding that was the information you requested."

Mr. ROONEY: "There has been an impression given the public that 2,200 people have been separated from the Government because they were subversive. A great many people suspect that is a lot of hogwash. When you talk of security risks, you are not talking of subversives. Are these 36 cases homosexuals or do they include other cases involved with respect to morals?"

Mr. Worthy: "All homosexual cases, I believe."

Mr. ROONEY: "How many are drunks? How many are loose talkers? There are eight categories in the Executive order, are there not?"

Mr. Worthy: "As I recall it; yes."

Mr. ROONEY: "Then with regard to the alleged subversion or disloyalty, how many of those people resigned? How many did you fire?"

Mr. Worthy: "Let me examine the records, please."

Mr. ROONEY: "What did they do? I don't want their names. What did they do? I think we are entitled to this information before we sit down and mark up an appropriation bill."

Mr. Worthy: "I will be very glad to go back and examine the records in more detail. I had understood that you wished a breakdown between the broad categories."

Mr. ROONEY: "No."

Mr. CLEVENGER: "Who is the security officer in your Bureau?"

Mr. Worthy: "Col. Newman Smith."

Mr. CLEVENGER: "We had his predecessors down here on various cases."

Mr. ROONEY: "The Secretary himself used to sit across the table and give us the details on this."

Mr. Worthy: "We would be very happy to give you whatever information you wish, Mr. ROONEY. We want to be careful to give it in such a way that individual cases cannot be identified."

Mr. CLEVENGER: "We have never had that problem."

Mr. ROONEY: "I am glad the Department is getting cleaned up. We used to find 55

and 75 homosexuals in a batch. Now you find 36 out of 30,000."

Mr. Worthy: "We will submit more detailed information on that."

Mr. ROONEY: "How many more do you suspect there are, Mr. Worthy?"

Mr. Worthy: "That, Mr. ROONEY, I would not even conjecture a guess on."

Mr. CLEVENGER: "Off the record."

"(Discussion off the record.)"

Mineral Leasing Act

EXTENSION OF REMARKS

OF

HON. CLIFTON (CLIFF) YOUNG

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1954

Mr. YOUNG. Mr. Speaker, legislation has been enacted by the Congress which provides for the multiple mineral development of the public lands of the United States.

I wish to commend the mining, and the oil and gas industries, for their sincere efforts to rise above narrow self-interests in order to assist the Congress in arriving at legislation that will permit the maximum utilization of our mineral resources. In all these efforts to arrive at a fair answer to the problem and to protect the prospector and small-mine operator, I and other members of the House Interior Committee have had the cooperation and able assistance of the American Mining Congress, the Nevada Mining Association, and the Western Oil & Gas Association.

In view of the fact that S. 3344, as enacted, is a very complicated measure, and because I know that the miners and prospectors of Nevada and other Western States will wish to learn how they may be affected by the new law, I have prepared an explanation of it which should answer many questions raised by those concerned.

WHY WAS IT NECESSARY TO CHANGE EXISTING MINING AND LEASING LAWS?

The Mining Act of 1872 provided for the location of mining claims on public lands. It was contemplated under that act that the minerals of the country would be disposed of completely and exclusively under its provisions with the mineral claimant obtaining full title to his claim when a patent was granted. The first radical departure from that system came about through the passage of the Mineral Leasing Act of 1920 under which, save for valid claims then existing, oil, gas, coal, phosphate, sodium, or oil shale could be disposed of only under that legislation. The Mineral Leasing Act also resulted in a determination by the Secretary of the Interior that lands which were known to contain those minerals or which were under lease to develop such minerals were not subject to location under the mining laws of 1872.

The conflict between the Mining Act of 1872 and the Leasing Act of 1920 increased with the years. The basic principles of the mining law, with its exclusiveness and entirety of disposition

and the granting of a full title, was inconsistent with the limited method of disposition under the leasing laws.

With the rise in exploration for uranium, stimulated by the Atomic Energy Commission, the conflict between the mining laws and the Mineral Leasing Act became more apparent. The principal area of domestic uranium-mining activity is at present in the Colorado plateau area, which is heavily covered by oil and gas filings. This situation has had the effect of excluding development for fissionable-source materials and other hard minerals. In this same area, where oil and gas filings have not been established, oil and gas prospectors hesitate to file and commence drilling because of the existence of mining claims which would impair their rights. This situation was temporarily met when the 83d Congress enacted Public Law 250, which validated a limited number of uranium-mining claims located on oil and gas lands from August 1, 1939, to December 31, 1952.

At the time that law was enacted Congress recognized the need for more permanent legislation which would provide for legal compatibility between the mining laws and the Mineral Leasing Act. This new law is the result.

This law also solves another problem. It provides that mining claims may be located for fissionable-source materials and for issuance of a full patent on such claims. This removes an uncertainty brought about by enactment of the Atomic Energy Act of 1946, which reserved fissionable-source materials to the United States, and by a ruling of the Department of the Interior in 1948, which held that mining claims could not be located based upon uranium.

WHAT DOES THE NEW LAW DO?

This act will open to location, under the mining laws, about 60 million acres now withdrawn under the Mineral Leasing Act. The first three sections of the act are designed to protect equities created as a result of Public Law 250, enacted last year.

Section 1 gives a preference to any mining claimant who attempted to validate his claim under Public Law 250. This section brings forward the cutoff date of Public Law 250 to February 10, 1954, in order to protect those who acted in good faith in prospecting between January 1, 1953, and the issuance of AEC Circular No. 7, February 10, 1954, which outlined procedures for uranium leases.

Section 2 sets up priorities to resolve conflicts between claimants who have located mining claims on the same tract of land, which at the time of location was withdrawn under the Mineral Leasing Act. Where conflicts develop, claims located during the period covered by Public Law 250 have preference to those located after the cutoff date. Also, preference is given to claims located before February 10, 1954.

Section 3 gives the owner of a lease or the holder of any pending uranium lease application, under AEC Circular No. 7, a preference right to locate a mining claim on the same lands, subject to a

valid mining claim filed before February 10, 1954.

Sections 4 and 5 establish a basis for multiple use of the same lands under the mining laws and the Mineral Leasing Act. Mining claims can be located hereafter on lands leased under the Mineral Act, or known to be valuable for Leasing Act minerals. Also, any mining claims heretofore located which become valid because of this act, and all future mining claims, shall be subject to a reservation to the United States of all Leasing Act minerals. Any patent issued for any such claim shall contain such reservation only as to lands which at the time of issuance of such patent are known to be valuable for Leasing Act minerals, or are included in a permit or lease, or are covered by an application under the leasing laws.

Section 6 establishes the basic principles of operation which are to be followed under multiple use of the same lands. It establishes the general principle that each operation shall be conducted in a manner compatible with any other mineral use insofar as reasonably practicable. This is a reciprocal section, and calls upon the miner and the lessee to act in such a manner as not to unreasonably interfere with the operations of each other.

Section 7 provides an in rem procedure whereby those who claim rights in the Leasing Act minerals under an unpatented mining claim can be called upon to come forward and assert those rights. It is based upon the procedure which is followed in securing mineral patents and which is well known to mining people. It has been held that one who has an unpatented mining claim has certain possessory rights as may be found valid by the Secretary of the Interior. Under the procedure established by this section, a mining claimant is called upon to assert his rights to Leasing Act minerals or, upon failure to do so, his claim shall become subject to a reservation to the United States of Leasing Act minerals. This section provides procedure under which lessees may obtain determination of rights under unpatented mining claims affecting lands under which oil and gas-lease rights are asserted. The purpose is to eliminate title uncertainties which follow from possible existence of unidentifiable mining locations and from uncertain status of inactive locations.

Section 8 authorizes the owner of an unpatented heretofore located mining claim to relinquish his rights as to Leasing Act minerals. Recordation of such a relinquishment in the county office of record makes such a mining claim thereafter subject to a reservation of the leaseable minerals.

Section 9 restores lands within two helium reserves, which had been withdrawn from the public domain, to entry and location under the mining laws and to permit and lease under the leasing laws, upon determination by the Secretary of the Interior that such entry will not result in loss or waste of the helium-bearing gas. The Secretary may at any time require the entryman to conduct his operations so as to prevent such loss

or waste. The helium reserves so affected are the Woodside and Harley Dome Fields, located in Emery and Grand Counties, Utah.

Section 10 amends the Atomic Energy Act to eliminate the reservation to the United States of fissionable source materials in the public lands of the United States and to confirm the validity of otherwise valid mining claims located on the basis of a discovery of fissionable source material alone. This section also reaffirms the Atomic Energy Commission's authority to purchase, take, requisition, condemn, or otherwise acquire supplies of source materials or other interest in real property containing deposits of source materials and to conduct prospecting and exploratory operations for such deposits in any real property believed by the Commission to have possibilities of containing source materials. The AEC is required to make just compensation for any property or interest in property so acquired.

Section 11 contains definitions of terms used in the act.

Sections 12 and 13 provide that if any provision of the act is found to be unconstitutional, invalid, or unenforceable, the other terms of the act will not be affected thereby; and limits the act in its application from affecting areas withdrawn from the public domain which are not specifically covered in the act.

HOW WILL THE NEW LAW AFFECT THE OWNER OF AN UNPATENTED MINING CLAIM HERETOFORE LOCATED?

Miners will be affected by the act in that all claims heretofore located will be subject to section 7 of the law in the event their mining claims are located on lands later subject to oil or gas leases or permits. In this event, mining claimants of lands located within an area in which the rights in oil, gas, or any Leasing Act minerals are asserted would be required to come forward and establish the validity of each mining claim if he desired to assert his possessory rights to Leasing Act minerals. The determination of the validity would be made by the Secretary of the Interior or his designated agent. Procedures by the Leasing Act operator and the mining claimant to be followed under section 7 of the act are as follows:

First. Any Leasing Act applicant may file in such office as the Secretary of the Interior may designate, a request for publication of notice of such application, provided that not less than 90 days prior to his request for publication there shall have been filed for record in the county office in which the lands covered are located, a notice of the filing of such application with a description of the lands covered by such application.

Second. The Leasing Act applicant must also certify that he has examined the lands involved, and has made reasonable effort to ascertain whether any person was in actual possession of, or engaged in, the working of such lands, and shall set forth the nature and results of such inquiry in said affidavit.

Third. Prior to publication, the Leasing Act applicant must examine all instruments of record in the public records of the county in which said lands are located and then set forth the name and address, if available, of any person disclosed to have an interest in said lands under any unpatented mining claim.

Fourth. Thereupon, the Secretary of the Interior, at the expense of the Leasing Act applicant, shall cause notice of such application to be published in a newspaper having general circulation in the county in which the lands involved are located—such notice shall describe the lands covered by such application and shall state that if any person asserting any right or interest in Leasing Act minerals as to such lands, by virtue of an interest in an unpatented mining claim, shall fail to so notify the Secretary of the Interior—see 5. below—within 150 days from the first date of publication of such notice, such failure shall be deemed to constitute a waiver by such mining claimant of any interest as to Leasing Act minerals and to constitute a consent that such mining claim and any patent issued, therefor, shall be subject to a reservation to the United States of all Leasing Act minerals.

Fifth. If any mining claimant desires to assert this possessory right to Leasing Act minerals, he must file a verified statement in the office where the Leasing Act applicant filed his request for notice of publication within 150 days, setting forth the following information concerning each unpatented mining claim: (a) Date of location; (b) the book and page of recordation of notice of certification of location; (c) the section or sections of the public lands survey which embrace such mining claim, or if any such claim is unsurveyed, the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument; (d) whether he is a locator or purchaser under such locations; and (e) his name and address and the names and addresses, so far as known to him, of any other person or persons claiming any interest or interests under any such unpatented mining claim.

Sixth. When the claimant has filed such a verified statement, the Secretary of the Interior or his representative shall fix a time and place for a hearing to determine the validity and effectiveness of the mining claim. The hearing shall be held in the county where the lands in question are located, unless the mining claimant agrees otherwise.

Seventh. Any person claiming any right in Leasing Act minerals by virtue of any unpatented mining claim heretofore located and desiring to receive a copy of any notice of any application under the Leasing Act, which may seek lands embraced in such mining claims, may file for record in the office where the mining claim is located an acknowledged request for a copy of any such notice. Such a request shall give the name and address of the person requesting copies, as well as the following information: (a) Date of location; (b) the book and

page of recordation of notice of certification and location; and (c) the section or sections of the public lands survey which embrace such mining claim, or if any such claim is unsurveyed, the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument. No request for copies of notices shall affect the title to any mining claim nor be deemed to constitute constructive notice that the person requesting copy has or claims any right, title or interest in or under any mining claim referred to in the request.

Eighth. If any Leasing Act applicant fails within 15 days after publication to either personally deliver or mail by registered mail a copy of such notice of application to each person in possession or engaged in the working of the land, or to any person ascertained to have an interest in a mining claim in the search of the county records, or to any person requesting a copy of any such notice, the publication of such notice shall be deemed wholly ineffectual as to that person and the failure of that person to file a verified statement asserting an interest in Leasing Act minerals shall not affect any rights of that person.

Ninth. The owner or owners of any mining claim heretofore located may, at any time prior to issuance of patent, waive and relinquish any rights to Leasing Act minerals by recording such a waiver and relinquishment in the county office of record. No such waiver or relinquishment shall be deemed to constitute any concession as to the validity of any mining claim.

WHAT BENEFITS FOR MINERS ARE CONTAINED IN THIS LAW?

First. Will open to location under the mining laws about 60 million acres now withdrawn under the Mineral Leasing Act.

Second. Will validate all claims located since July 31, 1939 on Leasing Act lands and establish priorities in order to protect individual equities.

Third. Will validate claims heretofore and hereafter located on the basis of a discovery of fissionable source materials. The Atomic Energy Act had reserved to the United States all fissionable source materials in public lands, thus casting a shadow on the validity of all claims previously located for fissionable source materials.

Fourth. Will provide that the owner of an unpatented mining claim may sell or assign his possessory rights to Leasing Act materials.

WHAT DISADVANTAGES TO MINERS ARE CONTAINED IN THIS LAW?

First. Will reserve to the United States title to Leasing Act minerals on all claims hereafter located, except that patents issued for such claims shall contain such a reservation only as to lands, which at the time of issuance of such patent, are known to be valuable for Leasing Act minerals, or are included in a permit or lease, or are covered by an application under the leasing laws.

Second. Will require the owner of an unpatented mining claim who may

claim rights in the Leasing Act minerals to come forward and assert those rights. If the claim owner fails to assert these rights, such failure will subject the mining claim to a reservation to the United States of all Leasing Act minerals, but will not affect any other rights of the claim owner.

WHAT ACTION SHOULD BE TAKEN BY MINING CLAIMANTS WHO DESIRE TO RETAIN POSSESSORY RIGHTS TO LEASING ACT MINERALS?

First. Before any possessory rights to Leasing Act minerals can be asserted, the miner should assure himself that his claim is valid. There must have been timely compliance with the mining laws and there must have been a mineral discovery. Although performance of annual assessment work is not required to establish the validity of a mining claim, it would insure that the claim is not jumped by other parties.

Second. The miner should make certain that his claim or claims are properly posted. It is also advisable that he include his current mailing address in his posted notices.

Third. It is advisable that he add his current mailing address to his location notice on file with county recorder.

Fourth. It is advisable that he file an acknowledged request in the county office of record for a copy of any notice of any application under the Leasing Act.

Fifth. A mining claimant must come forward and assert an interest in Leasing Act minerals when notified of a Leasing Act application, either by personal service, registered mail or public advertising, if he desires to retain his possessory rights to Leasing Act minerals.

Elmira College, the Oldest College for Women in the United States, Celebrates Its First 100 Years of Service

EXTENSION OF REMARKS

OF

HON. W. STERLING COLE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 29, 1954

Mr. COLE of New York. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following statement concerning the centennial of Elmira College:

ELMIRA COLLEGE, THE OLDEST COLLEGE FOR WOMEN IN THE UNITED STATES, CELEBRATES ITS FIRST 100 YEARS OF SERVICE

Significant events are scheduled for the year 1954-5 at Elmira College, century-old college for women in Elmira, N. Y. On October 22-23, when Dr. J. Ralph Murray is inaugurated 10th president, educators will gather at the college to discuss the unique contribution of the small college to liberal arts education. In January 1955 Elmira will begin the year-long program of events celebrating its first 100 years of service. From January through June an event a month will mark the centenary, including forums, an art festival, exhibits, a ball, a candlelight religious service, and a community parade at the commencement season. A summary forum is scheduled for the fall of 1955.

Simultaneously the college will launch a development program and a campaign for \$1 million for the construction of three new buildings and expansion of services.

Elmira College, founded in 1855, is the oldest existing college for women in the United States which, from its beginning, has offered degrees to women comparable to those granted by men's colleges.

Today, when over 700,000 American girls go to college every fall, as a matter of course, it is hard to realize that a scant 100 years ago the doors of American colleges and universities were closed to women. Coeducational Oberlin in Ohio had begun to admit women in 1837, but in the East women's education was confined to "female seminaries."

Discouragement had to be overcome by the liberal leaders who spent 4 years searching for funds to start Elmira College. Clergymen issued warnings that "the bloom would fade from the cheek, and vigor and fulness waste away from the frame" if the female intellect were developed. Even more ominous, women would be rendered unfit for their roles as sisters, wives, and mothers.

But in central New York State the pot that resulted in the enfranchisement of women had begun to boil. Elizabeth Cady Stanton and her friend, Lucretia Mott, had called a women's rights rally in Seneca Falls in 1848 at which it was resolved to demand the right to free education, equality with men in business and the professions, free speech and participation in public affairs. In 1849 Elizabeth Blackwell was graduated from Geneva Medical Center, the first woman to receive a medical doctor degree in America.

Women had become active in the abolitionist and temperance movements and were being employed in factories. Their demand for equal educational opportunities was inevitable.

The efforts that led to Elmira's founding began on April 11, 1851, when a group of liberal-minded men met in a church parlor in Albany and resolved it "expedient to make an effort to establish in this State" an institution for the higher education of women.

Out of this meeting and after many trials and errors, Elmira Female College was chartered by the regents of the University of the State of New York in 1855. Its establishment and location were largely due to the generosity and zeal of Simeon Benjamin, a wealthy and deeply religious citizen of Elmira.

In the three decades that followed there was an advance in the education of women such as the world had never seen. In this movement Elmira served both as a precedent and a model. In 1865 Vassar College came into being. In the planning of Vassar's curriculum and the assembling of its faculty, Elmira made substantial contribution both in counsel and in the person of its most distinguished teacher, Prof. Charles S. Farrar. Within the next 20 years other great colleges for women were established: Smith and Wellesley in 1875, Bryn Mawr in 1885, Barnard in 1889 as a coordinated institution of Columbia University, and Radcliffe in 1894 as an adjunct of Harvard.

When Elmira's first president, Dr. A. W. Cowles, was inaugurated, he said:

"Education is the right development and training of all the powers of the rational human being so as to form the best preparation for all that this life requires and all futurity may reveal."

Those trained powers have been demonstrated over the intervening decades by many of Elmira's 4,122 graduates who have achieved distinction as educators, physicians, research scientists, nutrition experts, social workers, writers, editors, and businesswomen. Throughout the world, from Beirut to Buenos Aires, Elmira graduates are to be found.

The alumnae now serving on the college's board of trustees include Mrs. Edward V.

Donohue, first woman city assessor in Utica; Dr. Myrtle Picker, attending pediatrician at the New Rochelle Hospital, who in private life is Mrs. Lee Kolker and the mother of two children; Miss Katherine Thorn, director of the speech clinic at the University of Buffalo; Mrs. Pauline W. Rivers, director of the Club Service Bureau and the annual forum of the New York Herald Tribune; Miss Catherine Personius, head of Cornell University's food and nutrition department; Mrs. Sherman Voorhees, of Springfield, Mass., a former member of the Elmira College faculty, and Miss Virginia Brown, formerly on the staff of Editor and Publisher.

Noted women who attended Elmira College over the years have included Mary Lord Harrison, second wife of President Benjamin Harrison; the Honorable Alice Robertson, of Oklahoma, first woman to be elected to Congress under the 19th amendment, famed for her pioneer educational work with the Indians; Dr. Mary Blair Niles who established the first school for the blind in China; Lena Gilbert Ford Brown, author of the World War I song, *Keep the Home Fires Burning*; Mary Gray Peck, biographer of Carrie Chapman Catt; Mrs. Daniel Scott Lamont, whose husband was Secretary of War in President Cleveland's Cabinet and in whose Washington home the American Association of University Women first met; Frances Bainbridge Colby, mother of Bainbridge Colby, former Secretary of State; Kathleen Lewis, nutritionist who planned the rations for the Byrd Antarctic expedition and who went with the Johns Hopkins Hospital unit to the Fiji Islands; Pauline E. Holbert, expert in light and electron microscopy for the Celanese Corp.; Fay Mitchell Kanin, successful Broadway and radio dramatist, and many another.

A recent survey of Elmira alumnae showed that one-fourth are currently employed in the professions and 13 percent in business. Prior to their marriages, 65 percent had been employed in professional work and 33 percent in business. The prophets of gloom who threatened the breakdown of family life if women went to college have been proved ridiculous. According to the survey, 78 percent of the living alumnae are married and have produced an average of 2.1 children apiece.

The survey gave the alumnae a chance to report their civic and other voluntary or citizenship activities. The replies crowded the pages. Elmira graduates are leaders in their churches; in local, State, and national welfare programs, in their PTA's and youth projects, in foreign policy associations, and on their local school boards.

Elmira is proud of the fact that its honor graduates can wear the Phi Beta Kappa key. It is one of only three women's colleges in up-State New York which can make this claim.

Education at Elmira has always had as its core the liberal arts studies, based on the traditional disciplines of the humanities. In addition, for the last 50 years, the student at Elmira has also received training preparing her for a future career or profession. Teacher training, secretarial studies, and home management courses are given at the college and students are prepared for further specialization in medical technology, medicine, nursing, occupational or physical therapy, merchandising, personnel work, public service, social work, or journalism.

A college placement bureau helps students to find part-time and summer employment during their college years if they desire it, and permanent positions after they graduate.

The Community Education Division, offering late afternoon and evening classes to men and women of all ages, makes the college's resources available to the citizens of Elmira. Last year over 300 different persons enrolled in these college courses.

This spring the common council of the city of Elmira voted to close 2 city streets, covering a distance of 3 city blocks, so that

the college might expand its campus and have a proper site on which to erect a separate chapel building.

This vote was one of the first steps in the development program by which Elmira College is preparing itself for its second century of service. Another step was the enrollment of top-flight leadership under the chairmanship of Charles W. Perry of Perry and Maxcy Insurance Co., president of the board of trustees of the college.

To an already strong board were added Perry W. Shoemaker, president of the Delaware, Lackawanna & Western Railroad; Harold W. McGraw, vice president of McGraw-Hill Publishing Co.; A. Marshall Lowman, president of the Elmira Floral Products Co.; Mrs. Pauline W. Rivers of the New York Herald Tribune; Miss Virginia Brown of New York; Charles A. Windling, chairman of the board of the Marine Midland Trust Co. of Southern New York, and Franklin B. Pollock, chairman of the board of the Thatcher Glass Manufacturing Co.

Douglas G. Anderson, president of Harding Bros., Inc., is treasurer of the board of trustees. Mrs. Norman J. Learned is vice chairman of the development campaign.

Eugene Ritter, vice president of the Westinghouse Corp., heads the important community-faculty committee developing the community education program. The Honorable W. Sterling Cole, chairman of the Joint Committee on Atomic Energy in the 83d Congress, is a trustee of Elmira.

William C. Decker, president of the Corning Glass Works, will state the case for Elmira College to the foundations. Norman J. Learned, president of LeValley, McLeod, Inc., will solicit corporations, while George L. Hinman, attorney, will encourage bequests. Josef Stein, president of the Elmira Greeting Co., heads the important Advisory Council which for 10 years has raised funds to help the college balance its budget in a period of rising costs. Another publisher, Benjamin Fidelman, president of the Artistic Card Co., heads the recruitment committee. Present enrollment is 300 students; goal is a sustained maximum of 450, to be carefully selected for admission.

Because its history spans so many generations, the buildings on Elmira's 27-acre campus in the residential section of the city represent many architectural periods. Still dominating the campus is Cowles Hall, marvel of its day, the first structure in America to house a true college for women. Built around an octagonal core, it has wings extending north, east and west, which house the offices of administration, a dormitory unit, and the college dining commons.

The library is one of the finest examples of English collegiate gothic architecture in America. Eight other buildings, including 2 residence halls, a science building, 2 classroom and conference buildings, and residences for the president, dean, and faculty, represent a capital investment of \$4 million.

After months of study on the part of a planning committee headed by Charles F. Kennedy, president of the Kennedy Valve Co., and by trustees, faculty, engineers, and architects, Elmira is ready to take a long step forward, pioneering in the 20th century as it did in the 19th. Trustees, alumnae, and friends of the college will be urged to implement a 3-point program of needs for (1) new buildings, (2) renovation and re-equipment of the present facilities, and (3) sound financing of educational and developmental activities.

The three new buildings are to include: Activities building, to include gymnasium, swimming pool, auditorium to seat 450, physical education offices and classrooms, alumnae offices, and a student social center. Estimated cost is \$500,000.

Fine arts building, to provide studios and classrooms for the music, art, speech, and dramatics departments, including facilities for the teaching of radio and television pro-

tained a provision that it could not come into effect until the European Defense Community has been established. This has meant that although the German people and Government have been willing to join with other free nations in building their defenses, they have not been able to do so because the European army contemplated by the EDC has not been organized.

In recent weeks the situation has grown more acute. The Mutual Security Act of 1954 contains in section 106 the so-called Richards amendment which makes it clear that equipment designed to promote the integrated defense of the North Atlantic area is not to be made available to states that have not ratified the EDC. It is still my fervent hope, and I know it is the hope of members of the committee and of the administration, that France will see fit to approve the EDC in the very near future. Should France and Italy not act, however, it is essential that the United States reappraise its position in Europe so far as the building of strong defenses is concerned.

The Committee on Foreign Relations, sitting with representatives of the Armed Services Committee, held two long sessions with Secretary Dulles to consider this problem. It decided that, since the Senate would probably not be in session during the fall of this year, action should be taken making clear that the Senate would support the President in taking steps to restore German sovereignty to that nation as rapidly as possible in the event that the EDC does not come into effect within the next few months.

As chairman of the Committee on Foreign Relations, I want to make it clear that it is not the purpose of the committee to try to force France or Italy to do anything. They are sovereign, independent nations. What they do is their business. But it is also true that what they do or fail to do has an impact upon the security interests of this Nation. It is a simple, but, to my thinking, an uncontroversial fact that if the nations of Western Europe are not able to work together to bring into being a defense force that could make a great contribution to the defenses of the North Atlantic area, then it is incumbent upon this Nation to take the steps that seem desirable to build strength when and where it can be relied upon.

In conclusion, Mr. President, I wish to point out that this resolution does not authorize the President to do anything he is not now able to do in the exercise of his constitutional powers. If the President should find it necessary, in restoring sovereignty to Germany, to undertake new obligations as far as the United States is concerned, he would need to return to the Senate with an appropriate agreement for us to act upon. We stand ready, of course, to be called into session should the President think such action is necessary.

Speaking for myself, I will be terribly disappointed if the great nations of France and Italy are not able to approve the EDC. It seems to me that it is almost essential to their continued ex-

istence as great nations for them to participate in this joint endeavor. I hope they will do so. The committee report expressed the hope that "in these difficult times when the unity of the Western Powers is so essential, that the occupying countries will be able to work together with Western Germany to accomplish their common goal."

As I stated, all the resolution does is say, in simple language, to the Executive that if France and Italy do not come into the EDC, we of the Senate feel that whatever is necessary to be done by the Executive should be done in order to bring sovereignty to Germany.

Mr. KNOWLAND. Mr. President, I ask for the yeas and nays on the question of agreeing to the resolution.

The yeas and nays were ordered.

Mr. SPARKMAN. Mr. President—
The PRESIDING OFFICER (Mr. CASE in the chair). The Senator from Alabama is recognized.

Mr. SPARKMAN. I should like to ask the distinguished chairman of the Committee on Foreign Relations if it is not true that the resolution comes before the Senate with the unanimous approval of the committee.

Mr. WILEY. The Senator from Alabama is correct. The Committee on Foreign Relations gave the resolution its full consideration. It had representatives of both the majority and the minority members of the Committee on Armed Services before it. I am satisfied that the general consensus of all of us was that the resolution should be agreed to.

Mr. SMITH of New Jersey. Mr. President, in the interest of saving the time of the Senate, I ask unanimous consent to have printed in the RECORD at this point a statement which I have prepared in support of Senate Resolution 295.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR SMITH OF NEW JERSEY
IN SUPPORT OF SENATE RESOLUTION 295 CONCERNING GERMAN SOVEREIGNTY

I rise to support the chairman of the Committee on Foreign Relations who has reported Senate Resolution 295 to the Senate. He has well expressed the intent and purpose of the committee in reporting this resolution to the floor at this time and asking for its urgent consideration. I shall not repeat his persuasive comments.

I should like to say for the record that the consultations that Secretary of State Dulles and his colleagues have held with the Committee on Foreign Relations over the past few months have been a model in executive-legislative cooperation. I hope that this example of close cooperation which worked so well can be continued in the future.

One of the most compelling reasons for Senate action at this time on this resolution is the situation in Germany. Chancellor Adenauer, that staunch supporter of democracy in Germany, has cast his lot with the free nations of the West. He has told the German people that they could look to the nations of the West for support in building themselves again into a great nation. He has relied upon the United States to help Germany reconstruct military forces essential for her defense. He has looked to the nations of the West to help bring East and West Germany together again.

The occupying powers of France, Great Britain, and the United States have given great assistance to Germany. They joined together to supply food to beleaguered Berlin. Their troops have been in Germany in recent years not as occupying forces, but as forces to defend Germany from the danger of attack from the East.

For 9 years now Germany has been less than a sovereign nation. Last year the Soviet Union went through the motions of giving East Germany her full sovereignty. We know that sovereignty under Soviet auspices means nothing at all. The Soviet Union, however, has made great political propaganda out of this action, and this propaganda undoubtedly has an effect upon the people of West Germany.

It seems to me therefore that it is incumbent upon the nations of the West to make it clear that they do not intend to hold Germany in an unfavorable position. The West needs Germany, just as the Federal Republic of Germany needs the West.

This resolution which we have before us encourages the President to take the steps necessary to help Germany reenter the family of free nations as a full member. I hope the Senate will approve this resolution overwhelmingly.

The PRESIDING OFFICER. The question is on agreeing to Senate Resolution 295, expressing the sense of the Senate toward restoring sovereignty to Germany.

Mr. FERGUSON. Mr. President, I wish to say this matter received very careful attention by the bipartisan group which met with the Secretary of State. It was discussed on several occasions. I believe the resolution should be agreed to.

I also believe that the resolution, if agreed to, will eliminate the necessity for including a provision requiring the cessation of the shipment of military equipment and material to France, in case France does not approve the EDC. In the committee, the vote came on the question of whether any further shipments should be made to France in the event France does not approve the treaty by December 31. The proposal to stop all shipments in that event was rejected in the committee although we did agree to withhold the equipment and materials programed for fiscal 1954 and 1955 if EDC is not approved.

I would have desired to have the stronger proviso inserted in the bill itself, had it not been that this resolution has been submitted to the Senate.

I hope the resolution will be adopted unanimously, because I believe it essential that we tell the President that it is the sense of the Senate that he has the authority to proceed, under our constitutional processes, in the manner in which he may find it desirable to proceed in the near future.

Mr. ROBERTSON subsequently said:

Mr. President, I ask unanimous consent to have an article prepared by me printed in the RECORD just before the vote on Senate Resolution 295, expressing the sense of the Senate toward restoring sovereignty to Western Germany.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FRENCH RATIFICATION IS ESSENTIAL TO EDC

During the past week our Appropriations Committee has been conducting two sets of

hearings at the same time—one on the foreign aid bill and one on a supplemental appropriation bill of approximately \$2 billion, about one-half of which is for the military establishments.

A tabulation by our staff of all types of foreign aid since fiscal 1941 indicates total appropriations of \$115 billion. At the present time, there is an unexpended balance in the foreign aid program of approximately \$10 billion, to which the President has asked us to add another \$3½ billion. The present type of foreign aid was authorized by the act of 1949 and first called the Marshall plan. Since then it has had a variety of names but all meaning substantially the same thing. Total net expenditures, for all purposes, in that program have been \$25,852,000,000. While the expenditure of those vast funds has undoubtedly helped to stem the tide of communism in Western Europe it did not stem it in Asia and even the most ardent supporter of the program must admit that the net results have been disappointing. Naturally, therefore, a major point of discussion both in the Foreign Relations Committee, in authorizing a continuation of the mutual aid program and in the Appropriations Committee, where a breakdown of the request was submitted, has been "What allies do we now have that are dependable and what military defense have we succeeded in creating?" That question cannot be answered until we know what the French Parliament is going to do about ratifying the European Defense Community.

Premier Mendes-France has promised to submit to the French Parliament before it adjourns next month a request for the ratification of EDC. Personally, he favors ratification but previously doubted if he could secure a majority in Parliament for his proposal. Of course, his popularity in France has been increased by his ability to end the war in Indochina which had become very unpopular even though he ended it on terms that amounted to a Communist victory.

The decision of France on EDC is one of vital importance to us. There can be no successful defense of Western Europe without the use of German troops, and there is no practical plan for the rearming of Germany without French consent. EDC was a French proposal aimed at controlling the military strength of a liberated Germany. Great Britain and the United States prepared and approved a treaty to liberate Western Germany after EDC has been approved by France and five other European powers. But the so-called peace treaty with Western Germany has not been approved by France because France has not yet approved EDC although it has been approved by Germany, Holland, Belgium, and Luxembourg. If France votes to amend the treaty the Germans would not again ratify. If it votes down the treaty the only way Germany could be rearmed would be through the joint action of Great Britain and the United States in granting national sovereignty to the areas of Western Germany which they now occupy. Under that sovereignty, Germany could be accepted as a member of NATO. But action of that character does not dispose of the French troops in the area of Western Germany occupied by the French nor does it dispose of the issue of our subsequent use of major airfields built in France at great expense and lines of communication across France to supply troops in Germany.

The principal reason that France has not approved EDC is that under it a supergovernment is to be set up and those who join that supergovernment will waive some elements of sovereignty. The Communist Party in the French Parliament, which is the largest of all, is opposed to EDC because it wants no strong defense in Europe against the Communists. Extreme Nationalists like General de Gaulle are opposed to

EDC because of their pride and their hope that France will continue to be treated as a major world power.

The PRESIDING OFFICER. The question is on agreeing to Senate Resolution 295.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. SALTONSTALL. I announce that the Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from Wisconsin [Mr. McCARTHY] is necessarily absent.

If present and voting, the Senator from Indiana [Mr. CAPEHART] and the Senator from Wisconsin [Mr. McCARTHY] would each vote "yea."

Mr. JOHNSON of Texas. I announce that the Senator from Kentucky [Mr. CLEMENTS], the Senator from Mississippi [Mr. EASTLAND], the Senator from Missouri [Mr. HENNINGS], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Arkansas [Mr. McCLELLAN] are absent on official business.

I announce further that, if present and voting, each of the Senators whose absence I have announced would vote "yea."

The result was announced—yeas 88, nays 0, as follows:

YEAS—88

Aiken	Gillette	Millikin
Anderson	Gore	Monroney
Barrett	Green	Morse
Beall	Hayden	Mundt
Bennett	Hendrickson	Murray
Bowring	Hickenlooper	Neely
Bricker	Hill	Pastore
Bridges	Holland	Payne
Burke	Humphrey	Potter
Bush	Ives	Purtell
Butler	Jackson	Reynolds
Byrd	Jenner	Robertson
Carlson	Johnson, Colo.	Russell
Case	Johnson, Tex.	Saltonstall
Chavez	Johnston, S. C.	Schoeppel
Cooper	Kennedy	Smathers
Cordon	Kerr	Smith, Maine
Crippa	Kilgore	Smith, N. J.
Daniel	Knowland	Sparkman
Dirksen	Kuchel	Stennis
Douglas	Langer	Symington
Duff	Lehman	Thye
Dworshak	Lennon	Upton
Ellender	Long	Watkins
Ervin	Magnuson	Welker
Ferguson	Malone	Wiley
Flanders	Mansfield	Williams
Frear	Martin	Young
Fulbright	Maybank	
George	McCarran	

NOT VOTING—8

Capehart	Goldwater	McCarthy
Clements	Hennings	McClellan
Eastland	Kefauver	

So the resolution (S. Res. 295) was unanimously agreed to.

Mr. GOLDWATER subsequently said: Mr. President, when the vote was taken on Senate Resolution 295, I was unavoidably detained in a conference committee. Had I been present, my vote would have been "yea."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 9413. An act to reorganize the Capitol Police force in order to increase its efficiency in the performance of its duties;

H. R. 9712. An act granting the consent of Congress to certain New England States to enter into a compact relating to higher education in the New England States and establishing the New England Board of Higher Education;

H. R. 9758. An act to increase the borrowing power of Commodity Credit Corporation; and

H. R. 9924. An act to provide for family quarters for personnel of the military departments of the Department of Defense and their dependents, and for other purposes.

HOUSE BILLS REFERRED OR PLACED ON THE CALENDAR

The following bills were severally read twice by their titles and referred, or placed on the calendar, as indicated:

H. R. 9413. An act to reorganize the Capitol Police force in order to increase its efficiency in the performance of its duties; to the Committee on Rules and Administration.

H. R. 9758. An act to increase the borrowing power of Commodity Credit Corporation; to the Committee on Banking and Currency.

H. R. 9924. An act to provide for family quarters for personnel of the military departments of the Department of Defense and their dependents, and for other purposes; placed on the calendar.

AMENDMENT OF MINERAL LEASING LAWS—CONFERENCE REPORT

Mr. BARRETT. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3344) to amend the mineral-leasing laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report. (For conference report, see pp. 11635-11638 of the House proceedings of CONGRESSIONAL RECORD of July 27, 1954.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. BARRETT. Mr. President, yesterday the other body adopted the report of the Committee of Conference on the disagreeing votes of the two Houses on S. 3344, the measure sponsored by the distinguished junior Senator from Colorado [Mr. MILLIKIN] for himself and nine other able Senators to amend the mineral leasing laws and the mining laws to provide for multiple mineral development of the same tracts of the public lands under both systems.

Mr. President, I can state that although the conferees have submitted a clean bill in that they have stricken all after the enacting clause and in lieu thereof adopted an amendment in the nature of a substitute, the measure as agreed upon is, in substance, very similar to the bill passed by the Senate on July 8. Certain clarifying changes in language have been made, notably in the wording of section 4 to make it

abundantly clear that the reservation of leasable minerals is applicable, as to existing mining claims, only to those mining claims receiving the benefits of the first 3 sections of S. 3344. As to claims hereafter located, the reservation is applicable only to the claims that fall in one of 3 categories at the time of issuance of the patent therefore.

This latter restriction was written into the bill by the House and was accepted by your committee of conference with clarifying language.

Again, in section 7, the conferees adopted language designed to afford still greater protection to the mining claimant.

Certain technical changes were made in section 10, the Atomic Energy section, to make its terms consistent with those used in the Atomic Energy Act which the Congress recently enacted. A proviso was added to subsection (b) of section 10 to provide that the Atomic Energy Commission may not issue uranium leases in national parks, monuments, or wildlife refuges unless and until the President of the United States, by Executive order, declares such action is necessary and in the interests of national defense.

It can be stated that the atomic energy section of this bill is wholly in conformity with the sections of the atomic energy bill respecting the exploration, prospecting and extraction of fissionable source materials on the public lands.

A new section, section 12, was written into the bill stating that—

Nothing in this act shall be construed to waive, amend, or repeal the requirement of any provision of any law for approval of any official of the United States whose approval prior to prospecting, exploring, or mining would be required.

This section, while not of course, adding anything of substance to the legislation, does make abundantly clear the intent of both Houses that the bill will not indiscriminately throw open to mineral development areas where the approval of a responsible official of the United States has heretofore had to be obtained before mineral development could be carried on. An example would be permits to prospect in wildlife refuges, national parks, monuments, or on power-site withdrawals. We want to be certain that the bill in no way detracts from the protection now afforded wildlife, or our national parks.

Mr. President, while S. 3344 as approved by this body on July 8 has not been substantially changed, your conferees are convinced that the bill now is in clearer language and more fully carries out the intent of Congress.

It should be stated that all of the Senate conferees have signed the conference report.

Mr. President, I move adoption of the conference report on S. 3344.

Mr. ANDERSON. Mr. President, will the Senator yield for a question?

Mr. BARRETT. I am glad to yield to the Senator from New Mexico.

Mr. ANDERSON. As a matter of fact, while some changes in words may have been made in the bill, the result is a bill that is identical with the one passed by

the Senate after long hearings and long consideration. Is that correct?

Mr. BARRETT. The Senator is absolutely correct. In substance it is pretty much the same bill as it passed the Senate some time ago.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

HOUSING ACT OF 1954—CORRECTIONS IN ENROLLMENT OF H. R. 7839

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the concurrent resolution (S. Con. Res. 102) to make corrections in the enrollment of H. R. 7839, to aid in the provision and improvement of housing, the elimination and prevention of slums, and the conservation and development of urban communities, which were, on page 2, line 2, strike out "301" and insert "302" and on page 2, after line 9, insert:

In section 227 (c) (ii) (2) (B) of the National Housing Act, as added to that Act by section 126 of the bill, insert after the words "such outstanding indebtedness" the following: (without reduction by reason of the application of the approved percentage requirements of this section)

Mr. KNOWLAND. Mr. President, yesterday the Senate adopted the concurrent resolution (S. Con. Res. 102) making certain corrections in the enrollment of H. R. 7839, the housing bill. There, apparently, were additional corrections to be made. This matter has been taken up with the distinguished Senator from South Carolina [Mr. MAYBANK], and we would like to have the House amendments agreed to.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. KNOWLAND. Yes, I will yield.

Mr. MAYBANK. I thoroughly concur in the amendments that the House has made and I think they should be agreed to.

Mr. KNOWLAND. Mr. President, I move that the Senate concur in the House amendments.

The motion was agreed to.

THE JUNIOR SENATOR FROM WISCONSIN—MOTION OF CENSURE

Mr. FLANDERS. Mr. President, I have consulted with the majority leader, the distinguished senior Senator from California [Mr. KNOWLAND], and I have offered to have the presentation of my motion to censure postponed until the discussion of the foreign-aid bill is concluded, provided, however, that it does not appear to be unduly prolonged, in which case I may wish to intervene with my privileged motion.

MUTUAL SECURITY ACT OF 1954—MOTION TO RECONSIDER VOTE

Mr. McCARRAN. Mr. President, I desire to enter a motion to reconsider the vote by which the Senate on July 29 agreed to the amendment offered by the

Senator from New Jersey [Mr. SMITH], identified as "7-28-54-G," and inserting on page 112, line 20, of the bill (H. R. 9678), an act to promote the security and foreign policy of the United States by furnishing assistance to friendly nations, and for other purposes, after "(a)", a new sentence as follows:

The President is hereby authorized to continue membership for the United States on the Intergovernmental Committee for European Migration in accordance with its constitution approved in Venice, Italy, on October 19, 1953.

I was not present at the time this amendment was adopted, and therefore I qualify to enter this motion.

The PRESIDING OFFICER. The motion will be entered.

AMENDMENT OF DISTRICT OF COLUMBIA CREDIT UNION ACT

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3683) to amend the District of Columbia Credit Unions Act which was, on page 3, line 1, strike out "(a)" and insert "(b)."

Mr. CASE. I move that the Senate concur in the amendment of the House. It is merely a cross-reference, changing (a) to (b).

The motion was agreed to.

MUTUAL SECURITY ACT OF 1954

The Senate resumed the consideration of the bill (H. R. 9678) to promote the security and foreign policy of the United States by furnishing assistance to friendly nations, and for other purposes.

Mr. KNOWLAND. Mr. President, I understand the Senator from Nevada has another he is going to offer. If it is agreeable to him, I ask that the yeas and nays be ordered on the amendment.

The yeas and nays were ordered.

Mr. KNOWLAND. As I understand, the Senator from Nevada has sent his amendment to the desk.

Mr. MALONE. I have sent the amendment to the desk and I now offer it.

The PRESIDING OFFICER. The amendment will be stated

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and insert in lieu thereof the following:

That there is hereby authorized to be appropriated the sum of \$13,079,000,000 for construction within the United States of military aircraft for the Armed Forces of the United States.

THIRTEEN BILLION FOREIGN AID FUND SHOULD BE SPENT ON UNITED STATES AIRCRAFT

Mr. MALONE. Mr. President, it is the intention of the junior Senator from Nevada to support with data and necessary information the amendment he has offered which proposes to authorize the appropriation of \$13,079,000,000 which would be available to the FOA for the construction of military aircraft for the Armed Forces of the United States. What is now known as FOA started as UNRRA. If this bill would pass in its present form FOA would be another UNRRA.

Mr. President, as of June 30, 1954, there were unexpended balances of mu-

tual security funds totaling \$9,979,100,000, of which \$7,734,600,000 had been appropriated to defense agencies, and \$2,244,500,000 to other agencies.

Of the \$9,979,100,000 there are \$2,582,000,000 in funds which have never been obligated and are therefore available from previous appropriations for the foreign aid program for 1955.

The Senate bill now under consideration would authorize \$3,100,000,000 in new funds for further foreign aid expenditures.

Unexpended funds, plus proposed new funds, total \$13,079,000,000. Unobligated funds, plus proposed new funds, total \$5,582,000,000.

An amendment is suggested to make unexpended balances plus the proposed new authorization available for the construction of airplanes for our national defense.

TITANIUM ADDS NEW FACTOR TO AIR PROGRAM

I wish to say at this point that there is more to the construction of military aircraft than appears in the programs which have been publicly announced. A new material has come on the scene. It is absolutely necessary and a "must" in airplane construction, if we are to have the best aircraft manufactured in the United States of America. That material is called titanium. We call it the wonder metal, because it is strong and light and is not susceptible to corrosion, even under sea water conditions, and very few chemicals will affect it.

"WONDER METAL" NECESSARY FOR SUPERSONIC AIR SPEEDS

In addition to its being noncorrosive, it is also heat resistant. The new alloys being worked out with titanium will stand the heat generated on the shell of a plane by supersonic speeds of 800 miles an hour or greater. The metal now used, aluminum, will not stand such high heat.

Also, with the lighter weight, of course, as was testified to by Don Douglas, of Douglas Aircraft, and by Robert Gross, of Lockheed, and others who know airplane construction, if the metal is available to the extent necessary so that the designs can be taken off the drafting board, a plane using 25 to 40 percent titanium, including the engine, not only can travel at supersonic speeds of 800 miles an hour or greater, but can cover the distances necessary without refueling.

TITANIUM TO GIVE MILITARY AIRCRAFT LONGER RANGE

Now it is necessary to refuel our planes if they go five or six thousand miles. The new planes, when the new metal is available, will be able to go 5,000 to 7,000 miles from the United States bases, distribute their bomb load, and return without refueling.

This metal is not available at this time in sufficient quantities. Therefore this Nation is not able to build the great air force it is capable of building without more work and more production.

MORE EMPHASIS MUST BE PLACED ON TITANIUM PRODUCTION

At this time the pure metal costs \$15 a pound. Pressed into shapes, it costs about \$20 a pound. Manufactured

sponge is now being contracted for at \$5 a pound.

Without going into the laboratory work or the methods or the engineering experience, and the time that has been put into this metal in the past 3 years, the manufacture of the metal has been retarded because there has not been sufficient emphasis on the necessity for it; and, I am sorry to say, Congress has paid very little attention to it.

The subcommittee was provided for under Senate Resolution 143. The report of the subcommittee was submitted to the Senate on July 9. Before the subcommittee we heard witnesses from the airplane construction industry, from Government agencies working in laboratories on this metal, and from private construction agencies working on jet planes.

GREATER OUTPUT WILL BRING DOWN COSTS

The situation is that Mr. Mansure, of the General Services Administration, is doing the best job he can do, but he has limited orders. He has an objective of 35,000 tons annually. That is the amount recommended to be produced by the Secretary of Defense and by Mr. Flemming, Director of the Office of Defense Mobilization and a member of the National Security Council. Mr. Mansure is doing the best he can. However, encouragement is needed in the form of greater emphasis on the manufacture of the metal, which is very expensive. It is believed that it will be much cheaper in the reasonably near future if we have the pressure of manufacture, so that eventually, instead of costing \$15 a pound, it will cost less than \$3 a pound, and perhaps even \$2 a pound. The history of the manufacture of metals shows that to be the pattern. Aluminum and stainless steel are examples; 50 years ago aluminum was exceedingly expensive, costing from \$40 to \$50 a pound. It was a very scarce material.

After it was found to be an important metal and demand developed for the manufacture of national-defense goods, we began to manufacture aluminum in quantity. Today, instead of costing many dollars a pound it costs 18 or 20 cents a pound. The price of titanium is not likely to become that low, but practically all engineers and manufacturers believe that it will be cut in two several times. I believe that will be the case.

At the moment some agency must take the chance. Therefore, with titanium costing \$15 a pound for the metal and \$5 for the sponge with the present method of manufacture, it is necessary for the investor, whoever wants the metal—and that is now the Government—to take the risk of obsolete equipment in case a better and cheaper process is developed. So the contracts now being let by the General Services Administration guarantee to pick up the check on any equipment rendered obsolete by virtue of the possible development of a better method of manufacture.

This is a very fine investment, and it must be made. Money would be saved even if it were necessary to pay for a great deal of obsolete equipment, because when the method becomes cheaper money will be saved on future contracts.

ONE HUNDRED AND FIFTY THOUSAND TONS OF TITANIUM NEEDED ANNUALLY

Mr. President, large amounts of money are needed to let contracts to responsible companies for the manufacture of the planes themselves. I shall not go into detail as to what companies are interested, but we do know that progress is being made in laboratory experiments in the invention and manufacture of alloys necessary for the jet engines and for the planes.

Mr. President, the testimony clearly showed that we need an annual capacity of 150,000 tons of titanium, and that a large proportion of this capacity must be in a going concern operation or in a stockpile before the newly designed planes can be taken off the drafting board and manufacture started. Little would be gained if we started to manufacture a plane and then ran out of titanium metal and had to stop.

We are now producing 2,000 tons of this metal. We need 150,000 tons annually. If contracts are let at the present cost for any major portion of this amount of metal, a great amount of money will be required.

UNITED STATES AIRPOWER MUST BE GREATEST IN WORLD

I am addressing myself today to the question of the availability of the money required to build a first-class Air Corps with first-class air equipment, which will enable us to dominate the area of the Western Hemisphere. What we must drive for is an extended Monroe Doctrine. President Monroe said in 1823, 130 years ago, that if any nation should seek to extend its form of government within that area, such aggression would be considered an overt act against the United States. That doctrine kept us out of war for 75 years. It can keep us out of war for another 50 years if we are prepared to implement it; but we cannot now implement it with a fleet or with a foot army.

We must support it with the greatest airpower and the greatest air equipment in the world. To obtain this equipment we must start at the bottom. We must have the metal available to make the equipment and the money available to start making it.

We should not put a foot soldier in Asia or Europe. That kind of warfare is outdated. We should have our air equipment based in the United States or elsewhere in North America, according to military strategists. Such equipment could fly at supersonic speeds, travel between 5,000 and 7,000 miles, distribute the bombs, and return. We should also have fighter planes, radar equipment, and guided-missile equipment. If any nation should move across the line which we would define, either politically, economically, or militarily, we would simply say, "We will destroy your warmaking capacity at home."

I would not mention any nation. At this moment the greatest danger to this Nation is not Russia. There are other nations more dangerous to this Nation, economically and politically. Let us keep our feet on the ground and be ready to lay down the law, just as Monroe did 130 years ago.

Public Law 585 - 83d Congress
Chapter 730 - 2d Session
S. 3344

AN ACT

All 68 Stat. 708.

To amend the mineral leasing laws and the mining laws to provide for multiple mineral development of the same tracts of the public lands, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to the conditions and provisions of this Act and to any valid intervening rights acquired under the laws of the United States, any mining claim located under the mining laws of the United States subsequent to July 31, 1939, and prior to February 10, 1954, on lands of the United States, which at the time of location were—

Mineral leasing
claims.
Preference
categories.

(1) included in a permit or lease issued under the mineral leasing laws; or

(2) covered by an application or offer for a permit or lease which had been filed under the mineral leasing laws; or

(3) known to be valuable for minerals subject to disposition under the mineral leasing laws,

shall be effective to the same extent in all respects as if such lands at the time of location, and at all times thereafter, had not been so included or covered or known: *Provided, however,* That, in order to be entitled to the benefits of this Act, the owner of any such mining claim located prior to January 1, 1953, must have posted and filed for record, within the time allowed by the provisions of the Act of August 12, 1953 (67 Stat. 539), an amended notice of location as to such mining claim, stating that such notice was filed pursuant to the provisions of said Act of August 12, 1953, and for the purpose of obtaining the benefits thereof: *And provided further,* That in order to obtain the benefits of this Act, the owner of any such mining claim located subsequent to December 31, 1952, and prior to February 10, 1954, not later than one hundred and twenty days after the date of enactment of this Act, must post on such claim in the manner required for posting notice of location of mining claims and file for record in the office where the notice or certificate of location of such claim is of record an amended notice of location for such claim, stating that such notice is filed pursuant to the provisions of this Act and for the purpose of obtaining the benefits thereof and, within said one hundred and twenty day period, if such owner shall have filed a uranium lease application as to the tract covered by such mining claim, must file with the Atomic Energy Commission a withdrawal of such uranium lease application or, if a uranium lease shall have issued pursuant thereto, a release of such lease, and must record a notice of the filing of such withdrawal or release in the county office wherein such notice or certificate of location shall have been filed for record.

30 USC 501-504.

(b) Labor performed or improvements made after the original location of and upon or for the benefit of any mining claim which shall be entitled to the benefits of this Act under the provisions of subsection (a) of this section 1, shall be recognized as applicable to such mining claim for all purposes to the same extent as if the validity of such mining claim were in no respect dependent upon the provisions of this Act.

Labor and
improvements.

(c) As to any land covered by any mining claim which is entitled to the benefits of this Act under the provisions of subsection (a) of this section 1, any withdrawal or reservation of lands made after the original location of such mining claim is hereby modified and amended so that the effect thereof upon such mining claim shall be the same as if such mining claim had been located upon lands of the United States which, subsequent to July 31, 1939, and prior to the date of such with-

Withdrawal of
lands, etc.

drawal or reservation, were subject to location under the mining laws of the United States.

SEC. 2. (a) If any mining claim which shall have been located subsequent to December 31, 1952, and prior to December 11, 1953, and which shall be entitled to the benefits of this Act, shall cover any lands embraced within any mining claim which shall have been located prior to January 1, 1953, and which shall be entitled to the benefits of this Act, then as to such area of conflict said mining claim so located subsequent to December 31, 1952, shall be deemed to have been located December 11, 1953.

(b) If any mining claim hereafter located shall cover any lands embraced within any mining claim which shall have been located prior to February 10, 1954, and which shall be entitled to the benefits of this Act, then as to such area of conflict said mining claim hereafter located shall be deemed to have been located one hundred and twenty-one days after the date of the enactment of this Act.

Uranium
 leases, etc.

SEC. 3. (a) Subject to the conditions and provisions of this Act and to any valid prior rights acquired under the laws of the United States, the owner of any pending uranium lease application or of any uranium lease shall have, for a period of one hundred and twenty days after the date of enactment of this Act, as limited in subsection (b) of this section 3, the right to locate mining claims upon the lands covered by said application or lease.

(b) Any rights under any such mining claim so hereafter located pursuant to the provisions of subsection (a) of this section 3 shall be subject to any rights of the owner of any mining claim which was located prior to February 10, 1954, and which was valid at the date of the enactment of this Act or which may acquire validity under the provisions of this Act. As to any lands covered by a uranium lease and also by a pending uranium lease application, the right of mining location under this section 3, as between the owner of said lease and the owner of said application, shall be deemed as to such conflict area to be vested in the owner of said lease. As to any lands embraced in more than one such pending uranium lease application, such right of mining location, as between the owners of such conflicting applications, shall be deemed to be vested in the owner of the prior application. Priority of such an application shall be determined by the time of posting on a tract then available for such leasing of a notice of lease application in accordance with paragraph (c) of the Atomic Energy Commission's Domestic Uranium Program Circular 7 (10 C. F. R. 60.7 (c)) provided there shall have been timely compliance with the other provisions of said paragraph (c) or, if there shall not have been such timely compliance, then by the time of the filing of the uranium lease application with the Atomic Energy Commission. Any rights under any mining claim located under the provisions of this section 3 shall terminate at the expiration of thirty days after the filing for record of the notice or certificate of location of such mining claim unless, within said thirty-day period, the owner of the uranium lease application or uranium lease upon which the location of such mining claim was predicated shall have filed with the Atomic Energy Commission a withdrawal of said application or a release of said lease and shall have recorded a notice of the filing of such withdrawal or release in the county office wherein such notice or certificate of location shall be of record.

(c) Except as otherwise provided in subsections (a) and (b) of this section 3, no mining claim hereafter located shall be valid as to any lands which at the time of such location were covered by a uranium lease application or a uranium lease. Any tract upon which a notice of lease application has been posted in accordance with said para-

graph (c) of said Circular 7 shall be deemed to have been included in a uranium lease application from and after the time of the posting of such notice of lease application: *Provided*, That there shall have been timely compliance with the other provisions of said paragraph (c) or, if there shall not have been such timely compliance, then from and after the time of the filing of a uranium lease application with the Atomic Energy Commission.

SEC. 4. Every mining claim or millsite—

Future mining claims, etc.

(1) heretofore located under the mining laws of the United States which shall be entitled to benefits under the first three sections of this Act; or

(2) located under the mining laws of the United States after the effective date of passage of this Act, shall be subject, prior to issuance of a patent therefor, to a reservation to the United States of all Leasing Act minerals and of the right (as limited in section 6 hereof) of the United States, its lessees, permittees, and licensees to enter upon the land covered by such mining claim or millsite and to prospect for, drill for, mine, treat, store, transport, and remove Leasing Act minerals and to use so much of the surface and subsurface of such mining claim or millsite as may be necessary for such purposes, and whenever reasonably necessary, for the purpose of prospecting for, drilling for, mining, treating, storing, transporting, and removing Leasing Act minerals on and from other lands; and any patent issued for any such mining claim or millsite shall contain such reservation as to, but only as to, such lands covered thereby which at the time of the issuance of such patent were—

Mineral reservation to U. S.

(a) included in a permit or lease issued under the mineral leasing laws; or

(b) covered by an application or offer for a permit or lease filed under the mineral leasing laws; or

(c) known to be valuable for minerals subject to disposition under the mineral leasing laws.

SEC. 5. Subject to the conditions and provisions of this Act, mining claims and millsites may hereafter be located under the mining laws of the United States on lands of the United States which at the time of location are—

Location.

(a) included in a permit or lease issued under the mineral leasing laws; or

(b) covered by an application or offer for a permit or lease filed under the mineral leasing laws; or

(c) known to be valuable for minerals subject to disposition under the mineral leasing laws;

to the same extent in all respects as if such lands were not so included or covered or known.

SEC. 6. (a) Where the same lands are being utilized for mining operations and Leasing Act operations, each of such operations shall be conducted, so far as reasonably practicable, in a manner compatible with such multiple use.

Mining and Leasing Act operations.

(b) Any mining operations pursuant to rights under any unpatented or patented mining claim or millsite which shall be subject to a reservation to the United States of Leasing Act minerals as provided in this Act, shall be conducted, so far as reasonably practicable, in a manner which will avoid damage to any known deposit of any Leasing Act mineral. Subject to the provisions of subsection (d) of this section 6, mining operations shall be so conducted as not to endanger or materially interfere with any existing surface or underground improvements, workings, or facilities which may have been made for the purpose of Leasing Act operations, or with the utilization of such improvements, workings, or facilities.

(c) Any Leasing Act operations on lands covered by an unpatented or patented mining claim or millsite which shall be subject to a reservation to the United States of Leasing Act minerals as provided in this Act shall be conducted, so far as reasonably practicable, in a manner which will avoid damage to any known deposit of any mineral not so reserved from such mining claim or millsite. Subject to the provisions of subsection (d) of this section 6, Leasing Act operations shall be so conducted as not to endanger or materially interfere with any existing surface or underground improvements, workings, or facilities which may have been made for the purpose of mining operations, or with the utilization of such improvements, workings, or facilities.

(d) If, upon petition of either the mining operator or the Leasing Act operator, any court of competent jurisdiction shall find that a particular use in connection with one of such operations cannot be reasonably and properly conducted without endangering or materially interfering with the then existing improvements, workings, or facilities of the other of such operations or with the utilization thereof, and shall find that under the conditions and circumstances, as they then appear, the injury or damage which would result from denial of such particular use would outweigh the injury or damage which would result to such then existing improvements, workings, or facilities or from interference with the utilization thereof if that particular use were allowed, then and in such event such court may permit such use upon payment (or upon furnishing of security determined by the court to be adequate to secure payment) to the party or parties who would be thus injured or damaged, of an amount to be fixed by the court as constituting fair compensation for the then reasonably contemplated injury or damage which would result to such then existing improvements, workings, or facilities or from interference with the utilization thereof by reason of the allowance of such particular use.

(e) Where the same lands are being utilized for mining operations and Leasing Act operations, then upon request of the party conducting either of said operations, the party conducting the other of said operations shall furnish to and at the expense of such requesting party copies of any information which said other party may have, as to the situs of any improvements, workings, or facilities theretofore made upon such lands, and upon like request, shall permit such requesting party, at the risk of such requesting party, to have access at reasonable times to any such improvements, workings, or facilities for the purpose of surveying and checking or determining the situs thereof. If damage to or material interference with a party's improvements, workings, facilities, or with the utilization thereof shall result from such party's failure, after request, to so furnish to the requesting party such information or from denial of such access, such failure or denial shall relieve the requesting party of any liability for the damage or interference resulting by reason of such failure or denial. Failure of a party to furnish requested information or access shall not impose upon such party any liability to the requesting party other than for such costs of court and attorney's fees as may be allowed to the requesting party in enforcing by court action the obligations of this section as to the furnishing of information and access. The obligation hereunder of any party to furnish requested information shall be limited to map and survey information then available to such party with respect to the situs of improvements, workings, and facilities and the furnishing thereof shall not be deemed to constitute any representation as to the accuracy of such information.

Unpatented
mining claims.

SEC. 7. (a) Any applicant, offeror, permittee, or lessee under the mineral leasing laws may file in the office of the Secretary of the

Interior, or in such office as the Secretary may designate, a request for publication of notice of such application, offer, permit, or lease, provided expressly, that not less than ninety days prior to the filing of such request for publication there shall have been filed for record in the county office of record for the county in which the lands covered thereby are situate a notice of the filing of such application or offer or of the issuance of such permit or lease which notice shall set forth the date of such filing or issuance, the name and address of the applicant, offeror, permittee or lessee and the description of the lands covered by such application, offer, permit or lease, showing the section or sections of the public land surveys which embrace the lands covered by such application, offer, permit, or lease, or if such lands are unsurveyed, either the section or sections which would probably embrace such lands when the public lands surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument.

Procedure for
determination.
Filing of
notice.

The filing of such request for publication shall be accompanied by a certified copy of such recorded notice and an affidavit or affidavits of a person or persons over twenty-one years of age setting forth that the affiant or affiants have examined the lands involved in a reasonable effort to ascertain whether any person or persons were in actual possession of or engaged in the working of such lands or any part thereof, and, if no person or persons were found to be in actual possession of or engaged in the working of said lands or any part thereof on the date of such examination, setting forth such fact, or, if any person or persons were so found to be in actual possession or engaged in such working on the date of such examination, setting forth the name and address of each such person, unless affiant shall have been unable through reasonable inquiry to obtain information as to the name and address of any such person, in which event the affidavit shall set forth fully the nature and results of such inquiry.

The filing of such request for publication shall also be accompanied by the certificate of a title or abstract company, or of a title abstractor, or of an attorney, based upon such company's, abstractor's, or attorney's examination of the instruments affecting the lands involved, of record in the public records of the county in which said lands are situate as shown by the indices of the public records in the county office of record for said county, setting forth the name of any person disclosed by said instruments to have an interest in said lands under any unpatented mining claim heretofore located, together with the address of such person if disclosed by such instruments of record.

Thereupon the Secretary of the Interior, or his designated representative, at the expense of the requesting person (who, prior to the commencement of publication, must furnish the agreement of the publisher to hold such requesting person alone responsible for charges of publication), shall cause notice of such application, offer, permit, or lease to be published in a newspaper having general circulation in the county in which the lands involved are situate.

Such notice shall describe the lands covered by such application, offer, permit, or lease, as provided heretofore in the notice to be filed in the office of record of the county in which the lands covered are situate, and shall notify whomever it may concern that if any person claiming or asserting under, or by virtue of, any unpatented mining claim heretofore located, any right or interest in Leasing Act minerals as to such lands or any part thereof, shall fail to file in the office where such request for publication was filed (which office shall be specified in such notice) and within one hundred fifty days from the date of the first publication of such notice (which date shall be specified in

such notice), a verified statement which shall set forth, as to such unpatented mining claim;

- (1) The date of location;
- (2) The book and page of recordation of the notice or certificate of location;
- (3) The section or sections of the public land surveys which embrace such mining claim; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument;
- (4) Whether such claimant is a locator or purchaser under such location; and
- (5) The name and address of such claimant and names and addresses so far as known to the claimant of any other person or persons claiming any interest or interests in or under such unpatented mining claim;

such failure shall be conclusively deemed (i) to constitute a waiver and relinquishment by such mining claimant of any and all right, title, and interest under such mining claim as to, but only as to, Leasing Act minerals, and (ii) to constitute a consent by such mining claimant that such mining claim and any patent issued therefor, shall be subject to the reservation specified in section 4 of this Act, and (iii) to preclude thereafter any assertion by such mining claimant of any right or title to or interest in any Leasing Act mineral by reason of such mining claim.

If such notice is published in a daily paper, it shall be published in the Wednesday issue for nine consecutive weeks, or, if in a weekly paper, in nine consecutive issues, or, if in a semiweekly or triweekly paper, in the issue of the same day of each week for nine consecutive weeks.

Within fifteen days after the date of first publication of such notice, the person requesting such publication (1) shall cause a copy of such notice to be personally delivered to or to be mailed by registered mail addressed to each person in possession or engaged in the working of the land whose name and address is shown by an affidavit filed as aforesaid, and to each person who may have filed, as to any lands described in said notice, a request for notices, as provided in subsection (d) of this section 7, and shall cause a copy of such notice to be mailed by registered mail to each person whose name and address is set forth in the title or abstract company's or title abstractor's or attorney's certificate filed as aforesaid, as having an interest in the lands described in said notice under any unpatented mining claim heretofore located, such notice to be directed to such person's address as set forth in such certificate; and (2) shall file in the office where said request for publication was filed an affidavit showing that copies have been so delivered or mailed.

(b) If any claimant under any unpatented mining claim heretofore located which embraces any of the lands described in any notice published in accordance with the provisions of subsection (a) of this section 7 shall fail to file a verified statement, as above provided, within one hundred and fifty days from the date of the first publication of such notice, such failure shall be conclusively deemed, except as otherwise provided in subsection (e) of this section 7, (i) to constitute a waiver and relinquishment by such mining claimant of any and all right, title, and interest under such mining claim as to, but only as to, Leasing Act minerals, and (ii) to constitute a consent by such mining claimant that such mining claim and any patent issued therefor, shall be subject to the reservation specified in section 4 of this Act, and (iii)

to preclude thereafter any assertion by such mining claimant of any right or title to or interest in any Leasing Act mineral by reason of such mining claim.

(c) If any verified statement shall be filed by a mining claimant as provided in subsection (a) of this section 7, then the Secretary of the Interior or his designated representative shall fix a time and place for a hearing to determine the validity and effectiveness of the mining claimant's asserted right or interest in Leasing Act minerals, which place of hearing shall be in the county where the lands in question or parts thereof are located, unless the mining claimant agrees otherwise. The procedures with respect to notice of such a hearing and the conduct thereof, and in respect to appeals shall follow the then established general procedures and rules of practice of the Department of the Interior in respect to contests or protests affecting public lands of the United States. If, pursuant to such a hearing the final decision rendered in the matter shall affirm the validity and effectiveness of any mining claimant's right or interest under the mining claim as to Leasing Act minerals, then no subsequent proceedings under this section 7 of this Act shall have any force or effect upon the so-affirmed right or interest of such mining claimant under such mining claim. If at any time prior to a hearing the person requesting publication of notice and any person filing a verified statement pursuant to such notice shall so stipulate, then to the extent so stipulated, but only to such extent, no hearing shall be held with respect to rights asserted under that verified statement, and to the extent defined by the stipulation the rights asserted under that verified statement shall be deemed to be unaffected by that particular published notice.

(d) Any person claiming any right in Leasing Act minerals under or by virtue of any unpatented mining claim heretofore located and desiring to receive a copy of any notice of any application, offer, permit, or lease which may be published as above provided in subsection (a) of this section 7, and which may affect lands embraced in such mining claim, may cause to be filed for record in the county office of record where the notice or certificate of location of such mining claim shall have been recorded, a duly acknowledged request for a copy of any such notice. Such request for copies shall set forth the name and address of the person requesting copies and shall also set forth, as to each mining claim under which such person asserts rights in Leasing Act minerals:

- (1) the date of location;
- (2) the book and page of the recordation of the notice or certificate of location; and
- (3) the section or sections of the public land surveys which embrace such mining claim; or if such lands are unsurveyed, either the section or sections which would probably embrace such mining claim when the public land surveys are extended to such lands or a tie by courses and distances to an approved United States mineral monument.

Other than in respect to the requirements of subsection (a) of this section 7 as to personal delivery or mailing of copies of notices and in respect to the provisions of subsection (e) of this section 7, no such request for copies of published notices and no statement or allegation in such request and no recordation thereof shall affect title to any mining claim or to any land or be deemed to constitute constructive notice to any person that the person requesting copies has, or claims, any right, title, or interest in or under any mining claim referred to in such request.

(e) If any applicant, offeror, permittee, or lessee shall fail to comply with the requirements of subsection (a) of this section 7 as to the

personal delivery or mailing of a copy of notice to any person, the publication of such notice shall be deemed wholly ineffectual as to that person or as to the rights asserted by that person and the failure of that person to file a verified statement, as provided in such notice, shall in no manner affect, diminish, prejudice or bar any rights of that person.

Heretofore
located
claims.
Relinquishment
of mineral
rights.

SEC. 8. The owner or owners of any mining claim heretofore located may, at any time prior to issuance of patent therefor, waive and relinquish all rights thereunder to Leasing Act minerals. The execution and acknowledgment of such a waiver and relinquishment by such owner or owners and the recordation thereof in the office where the notice or certificate of location of such mining claim is of record shall render such mining claim thereafter subject to the reservation referred to in section 4 of this Act and any patent issued therefor shall contain such a reservation, but no such waiver or relinquishment shall be deemed in any manner to constitute any concession as to the date of priority of rights under said mining claim or as to the validity thereof.

Helium lands
subject to
entry.

SEC. 9. Lands withdrawn from the public domain which are within (a) Helium Reserve Numbered 1, pursuant to Executive orders of March 21, 1924, and January 28, 1926, and (b) Helium Reserve Numbered 2 pursuant to Executive Order 6184 of June 26, 1933, shall be subject to entry and location under the mining laws of the United States, and to permit and lease under the mineral leasing laws, upon determination by the Secretary of the Interior, based upon available geologic and other information, that there is no reasonable probability that operations pursuant to entry or location of the particular lands under the mining laws, or pursuant to a permit or lease of the particular lands under the Mineral Leasing Act, will result in the extraction or cause loss or waste of the helium-bearing gas in the lands of such reserves: *Provided*, That the lands shall not become subject to entry, location, permit, or lease until such time as the Secretary designates in an order published in the Federal Register: *And provided further*, That the Secretary may at any time as a condition to continued mineral operations require the entryman, locator, permittee or lessee to take such measures either above or below the surface of the lands as the Secretary deems necessary to prevent loss or waste of the helium-bearing gas.

41 Stat. 437.
30 USC 22,
181 et seq.
Publication of
order in FR.

SEC. 10. The Atomic Energy Act is hereby amended as follows:

60 Stat. 761.
42 USC 1805
(b)(5).
Fissionable
source mate-
rials.

(a) Section 5 (b) (5) is revised to read:

"(5) ACQUISITION.—The Commission is authorized to the extent it deems necessary to effectuate the provisions of this Act—

"(A) to purchase, take, requisition, condemn, or otherwise acquire supplies of fissionable source materials or any interest in real property containing deposits of fissionable source materials; and

"(B) to purchase, take, requisition, condemn, or otherwise acquire rights to enter upon any real property deemed by it to have possibilities of containing deposits of fissionable source materials and to conduct prospecting and exploratory operations for such deposits.

Any purchase made under this paragraph may be made without regard to the provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) upon certification by the Commission that such action is necessary in the interest of the common defense and security, or upon a showing that advertising is not reasonably practicable, and partial and advance payments may be made thereunder. The Commission may establish guaranteed prices for all fissionable source materials delivered to it within a specified time. Just compensation shall be

made for any property or interest in property purchased, taken, requisitioned, condemned, or otherwise acquired under this paragraph."

(b) Section 5 (b) (6) is revised to read:

42 USC 1805

"(6) OPERATIONS ON LANDS BELONGING TO THE UNITED STATES.— (b)(6).

The Commission is authorized, to the extent it deems necessary to effectuate the provisions of this Act, to issue leases or permits for prospecting for, exploration for, mining, or removal of deposits of fissionable source materials (or for any or all of these purposes) in lands belonging to the United States: *Provided*, That, notwithstanding any other provisions of law, such leases or permits may be issued for lands administered for national park, monument, and wildlife purposes only when the President, by Executive order, finds and declares that such action is necessary in the interests of national defense."

(c) Section 5 (b) (7) is revised to read:

42 USC 1805

"(7) PUBLIC LANDS.—No individual, corporation, partnership, or association, which had any part, directly or indirectly, in the development of the atomic energy program, may benefit by any location, entry, or settlement upon the public domain made after such individual, corporation, partnership, or association took part in such program, if such individual, corporation, partnership, or association, by reason of having had such part in the development of the atomic energy program, acquired confidential official information as to the existence of deposits of such uranium, thorium, or other fissionable source materials in the specific lands upon which such location, entry, or settlement is made, and subsequent to the date of the enactment of this Act made such location, entry, or settlement or cause the same to be made for his, or its, or their benefit. In cases where any patent, conveyance, lease, permit, or other authorization has been issued, which reserved to the United States fissionable source materials and the right to enter upon the land and prospect for, mine, and remove the same, the head of the department or agency which issued the patent, conveyance, lease, permit, or other authorization shall, on application of the holder thereof, issue a new or supplemental patent, conveyance, lease, permit, or other authorization without such reservation."

(b)(7).

(d) Notwithstanding the provisions of the Atomic Energy Act, and particularly section 5 (b) (7) thereof, prior to its amendment hereby, or the provisions of the Act of August 12, 1953 (67 Stat. 539), and particularly section 3 thereof, any mining claim, heretofore located under the mining laws of the United States, for, or based upon a discovery of a mineral deposit which is a fissionable source material and which, except for the possible contrary construction of said Atomic Energy Act, would have been locatable under such mining laws, shall, insofar as adversely affected by such possible contrary construction, be valid and effective, in all respects to the same extent as if said mineral deposit were a locatable mineral deposit other than a fissionable source material.

42 USC 1801 note.

Supra.

30 USC 501-505.

30 USC 503.

SEC. 11. As used in this Act "mineral leasing laws" shall mean the "Mineral leasing laws." Act of October 20, 1914 (38 Stat. 741); the Act of February 25, 1920 (41 Stat. 437); the Act of April 17, 1926 (44 Stat. 301); the Act of February 7, 1927 (44 Stat. 1057); and all Acts heretofore or hereafter enacted which are amendatory of or supplementary to any of the foregoing Acts; "Leasing Act minerals" shall mean all minerals "Leasing Act which, upon the effective date of this Act, are provided in the mineral minerals." leasing laws to be disposed of thereunder; "Leasing Act operations" "Leasing Act shall mean operations conducted under a lease, permit, or license operations." issued under the mineral leasing laws in or incidental to prospecting for, drilling for, mining, treating, storing, transporting, or removing Leasing Act minerals; "mining operations" shall mean operations "Mining operations."

"Leasing Act operations."

"Mining operator."

42 USC 1801 note.

"AEC."

"Fissionable source material."

42 USC 1805 (b)(1).

"Uranium lease application."

"Uranium lease."

"Person."

Requirement.

Separability.

under any unpatented or patented mining claim or millsite in or incidental to prospecting for, mining, treating, storing, transporting, or removing minerals other than Leasing Act minerals and any other use under any claim of right or title based upon such mining claim or millsite; "Leasing Act operator" shall mean any party who shall conduct Leasing Act operations; "mining operator" shall mean any party who shall conduct mining operations; "Atomic Energy Act" shall mean the Act of August 1, 1946 (60 Stat. 755), as amended; "Atomic Energy Commission" shall mean the United States Atomic Energy Commission established under the Atomic Energy Act or any amendments thereof; "fissionable source material" shall mean uranium, thorium, and all other materials referred to in section 5 (b) (1) of the Atomic Energy Act as reserved or to be reserved to the United States; "uranium lease application" shall mean an application for a uranium lease filed with said Commission with respect to lands which would be open for entry under the mining laws except for their being lands embraced within an offer, application, permit, or lease under the mineral leasing laws or lands known to be valuable for minerals leasable under those laws; "uranium lease" shall mean a uranium mining lease issued by said Commission with respect to any such lands; and "person" shall mean any individual, corporation, partnership, or other legal entity.

SEC. 12. Nothing in this Act shall be construed to waive, amend, or repeal the requirement of any provision of any law for approval of any official of the United States whose approval prior to prospecting, exploring, or mining would be required.

SEC. 13. If any provision of this Act, or the application of such provision to any person or circumstances, is held unconstitutional, invalid, or unenforceable, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held unconstitutional, invalid, or unenforceable, shall not be affected thereby.

Approved August 13, 1954.

